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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3062.—केंद्र सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जयपुर स्थित विचारण न्यायालय में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित मामलों, जो केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए हैं, का अभियोजन तथा विधि द्वारा संस्थापित पुनरीक्षण अथवा अपीलीय न्यायालयों में इन मामलों से सम्बद्ध एवं प्रासंगिक अन्य मामलों में अपीलों/पुनरीक्षणों के लिए सर्वश्री संजय शर्मा एवं संजय महला, अधिवक्ताओं को विशेष लोक अभियोजक के पद पर नियुक्त करती है।

[फा. सं. 225/12/2012-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 26th November, 2014

S.O. 3062.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/Shri Sanjay Sharma and Sanjay Mahla, Advocates as Special Public Prosecutor for conducting prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Rajasthan at Jaipur as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/ revisions or other matters arising out of these cases in the revisional or appellate courts established by law.

[F. No. 225/12/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3063.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा असम राज्य सरकार, राजनीतिक (क) विभाग, दिसपुर की सहमति से दिनांक 17 जून, 2014 की अधिसूचना सं. पीएलए-58/2014/15 द्वारा बेहाली पुलिस स्टेशन में दर्ज किए गए अपराध मामला सं. 08/2014 के संबंध में आयुध अधिनियम, 1959 (1959 का अधिनियम सं. 54) की धारा 25(1)(क)/27 के साथ पठित भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धाराओं 147, 148, 149, 447, 325, 326, 307 एवं 302 के तहत अपराधों तथा उपर्युक्त अपराधों के संबंध में प्रयास करने, दुष्टेष्ट करने तथा षडयंत्र करने संबंधी कोई अन्य अपराध/अपराधों की जांच हेतु दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार संपूर्ण असम राज्य पर करती है।

[फा. सं. 228/43/2014-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 26th November, 2014

S.O. 3063.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political (A) Department, Dispur vide Notification No. PLA.58/2014/15 dated 17th June, 2014 hereby extends powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences relating to Behali Police Station Case No. 08/2014 under Sections 147, 148, 149, 447, 325, 326, 307 and 302 of the Indian Penal Code 1860 (Act No. 45 of 1860) read with Sections 25(1)(a)/27 of the Arms Act, 1959 (Act No. 54 of 1959) and any other offence/offences attempts, abetments and conspiracy in relation to the above mentioned offences.

[F. No. 228/43/2014-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3064.—केन्द्र सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान स्थित ट्रायल न्यायालय में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यू.) द्वारा संस्थापित सीबीआई मामला सं. आरसी 1(एस)/2011- एससी-III/नई दिल्ली तथा अपीलों/पुनरीक्षणों या उनसे सम्बद्ध अन्य मामलों तथा इनके अनुषांगिक मामलों के संचालन के लिए श्री श्रीदास सिंह रजावत, अधिवक्ता को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/21/2014-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 26th November, 2014

S.O. 3064.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Shri Shridas Singh Rajawat, Advocate as Special Public Prosecutor to conduct CBI case No. RC 1(S)/2011-SC-III/New Delhi instituted by the Delhi Special Police Establishment (C.B.I) in the Trial Courts at Rajasthan and appeals/revisions or other matters connected therewith and incidental thereto.

[F. No. 225/21/2014-AVD-II]

RAJIV JAIN, Under Secy.

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3065.—राजनयिक और कांसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार एतद्वारा श्री पवन बक्शी, सहायक को दिसंबर 2, 2014 से भारत के कौमुलावास, म्युनिक में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी.4330/1/2014]

प्रकाश चन्द, उप-सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 2nd December, 2014

S.O. 3065.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Pawan Bakshi, Assistant, in Consulate General of India, Munich to perform the duties of Assistant Consular Officer with effect from December 2, 2014.

[No. T.4330/01/2014]

PRAKASH CHAND, Dy. Secy. (Consular)

नागर विमानन मंत्रालय

नई दिल्ली, 21 नवम्बर, 2014

का.आ. 3066.—केन्द्र सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, नागर विमानन मंत्रालय की दिनांक 9 जनवरी, 2001 की अधिसूचना संख्या एस.ओ. 84 का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पूर्व पूरे किए जा चुके कार्य अथवा पूरा किए जाने के लिए छोड़ दिए गए कार्यों के अलावा, नीचे प्रस्तुत तालिका के कॉलम (2) में उल्लिखित अधिकारियों को, सरकार के राजपत्रित अधिकारी के समान रैंक के होने के कारण, उपर्युक्त अधिनियम के उद्देश्यों से एतद्वारा सम्पदा

अधिकारी नियुक्त करती है जो, अपने संबंधित क्षेत्राधिकार के दायरे में, प्रदत्त की गई शक्तियों का प्रयोग करते हुए ऊपर उल्लिखित तालिका के कॉलम (3) में विनिर्दिष्ट किए गए सरकारी स्थान के संबंध में अथवा उक्त अधिनियम के अंतर्गत सम्पदा अधिकारी के दिए गए कार्यों का निर्वाह करेंगे।

तालिका

क्र. सं.	अधिकारी का नाम	सरकारी स्थानों का वर्गीकरण
(1)	(2)	(3)
1.	सहायक महाप्रबंधक, कार्मिक विभाग, पूर्वी क्षेत्र, एअर इंडिया लिमिटेड, कोलकाता	असम, बिहार, मणिपुर, मिजोरम, नागालैंड उड़ीसा, त्रिपुरा, पश्चिम बंगाल राज्यों तथा संघ शासित प्रदेश अंडमान एवं निकोबार द्वीपसमूह में स्थित एअर इंडिया लिमिटेड की अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
2.	सहायक महाप्रबंधक, कार्मिक विभाग, उत्तरी क्षेत्र, एअर इंडिया लिमिटेड, इंदिरा गाँधी एयरपोर्ट, अंतर्राष्ट्रीय एअरपोर्ट, नई दिल्ली।	संघ शासित प्रदेश दिल्ली तथा हिमाचल प्रदेश, जम्मू एवं कश्मीर, मध्य प्रदेश, पंजाब, राजस्थान, उत्तराखंड, उत्तर प्रदेश तथा संघ शासित प्रदेश चंडीगढ़ में स्थित एअर इंडिया लिमिटेड अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
3.	सहायक महाप्रबंधक, कार्मिक विभाग, दक्षिणी क्षेत्र, एअर इंडिया लिमिटेड, चेन्नै।	आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु तथा तेलंगाना राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
4.	सहायक महाप्रबंधक, कार्मिक विभाग, पश्चिमी क्षेत्र, एअर इंडिया लिमिटेड, मुम्बई।	गोवा, गुजरात, मध्य प्रदेश तथा महाराष्ट्र राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
5.	वरिष्ठ सहायक महाप्रबंधक, औद्योगिक संबंध, मुख्यालय एअर इंडिया लिमिटेड, एयर-लाइंस हाउस, नई दिल्ली।	एअर इंडिया लिमिटेड, मुख्यालय, नई दिल्ली के प्रशासनिक नियंत्रण के एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
6.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, पूर्वी क्षेत्र, एअर इंडिया लिमिटेड, कोलकाता।	असम, बिहार, मणिपुर, मिजोरम, नागालैंड, उड़ीसा, त्रिपुरा, पश्चिम बंगाल राज्यों तथा संघ शासित प्रदेश अंडमान एवं निकोबार द्वीप समूह में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
7.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, उत्तरी क्षेत्र, एअर इंडिया लिमिटेड,	संघ शासित प्रदेश दिल्ली तथा हिमाचल प्रदेश, जम्मू एवं कश्मीर, मध्य प्रदेश, पंजाब, राजस्थान, उत्तराखंड, उत्तर प्रदेश

(1)	(2)	(3)
	इंदिरा गाँधी अंतर्राष्ट्रीय एयरपोर्ट, नई दिल्ली।	तथा संघ शासित प्रदेश चंडीगढ़ में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
8.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, दक्षिणी क्षेत्र, एअर इंडिया लिमिटेड चेन्नै।	आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु तथा तेलंगाना राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
9.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, पश्चिमी क्षेत्र, एअर इंडिया लिमिटेड, मुम्बई।	गोवा, गुजरात, मध्य प्रदेश तथा महाराष्ट्र राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
10.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, मुख्यालय, एअर इंडिया लिमिटेड, नई दिल्ली।	एअर इंडिया लिमिटेड, मुख्यालय, नई दिल्ली के प्रशासनिक नियंत्रण के अधीन एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।

[फा. सं. एवी.18050/21/2014.एआई]

अमित घोषाल, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 21st November, 2014

S.O. 3066.—In Exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Government of India, Ministry of Civil Aviation, notification number S.O. 84, dated the 9th January, 2001, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being officers equivalent to the rank of the Gazetted Officer of the Government, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act, within the limits of their respective jurisdiction in respect of the public premises specified in column (3) of the said Table.

TABLE

Sl. No.	Designation of the Officer	Categories of Public Premises
(1)	(2)	(3)
1.	Assistant General Manager, Personnel Department, Eastern Region, Air India Limited, Kolkata.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Assam, Bihar, Manipur, Mizoram, Nagaland, Odisha, Tripura, West Bengal and Union territory of Andaman and Nicobar Islands.

(1)	(2)	(3)	(1)	(2)	(3)
2. Assistant General Manager, Personnel Department, Northern Region, Air India Limited, Indira Gandhi International Airport, New Delhi.	All residential premises belonging to or taken on lease by or on behalf of Air of India Limited in the National Capital Territory of Delhi and the States of Himchal Pradesh, Jammu and Kashmir, Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh and Union Territory of Chandigarh.		7. Assistant General Manager, Properties and Facilities Department, Northern Region, Air India Limited, Indira Gandhi International Airport, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the National Capital Territory of Delhi and the States of Himachal Pradesh, Jammu and Kashmir, Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh and Union territory of Chandigarh.	
3. Assistant General Manager, Personnel Department, Southern Region, Air India Limited, Chennai.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana.		8. Assistant General Manager, Properties and Facilities Department, Southern Region, Air India Limited, Chennai.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana.	
4. Assistant General Manager, Personnel Department, Western Region, Air India Limited, Mumbai.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Goa, Gujarat, Madhya Pradesh and Maharashtra.		9. Assistant General Manager, Properties and Facilities Department, Western Region, Air India Limited, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Goa, Gujarat, Madhya Pradesh and Maharashtra.	
5. Senior Assistant General Manager, Industrial Relations, Headquarters, Air India Limited, Airlines House, New Delhi.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited and under the administrative control of the Headquarters Limited, New Delhi.		10. Assistant General Manager, Properties and Facilities Department, Headquarters, Air India Limited, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited under the administrative control of the Headquarters of Air India Limited, New Delhi.	
6. Assistant General Manager, Properties and Facilities Department, Eastern Region, Air India Limited, Kolkata.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Assam, Bihar, Manipur, Mizoram, Nagaland, Odisha, Tripura, West Bengal and Union territory of Andaman and Nicobar Islands.				

[F. No. AV.18050/21/2014-AI]

AMIT GHOSHAI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 7 नवम्बर, 2014

का.आ. 3067.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2872673	02-04-2014	भवानी एंटरप्राइस एल-584, जी आई डी सी एस्टेट, पोस्ट ऑफिस के सामने, ओढव, अहमदाबाद-382415	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
2.	2874980	02-04-2014	निलांग वायर्स तथा केबल प्रा. लिमिटेड शैड नंबर 5 तथा 6, श्याम इंडस्ट्रियल एस्टेट प्लॉट नंबर 5813, फेस-1, जी आई डी सी एस्टेट, बटवा-382445	पीवीसी इंसुलेटिड केबल	694	-	-	1990
3.	2877380	03-04-2014	मैक पम्प इंडस्ट्रीज प्लॉट नंबर 65, फेस-1, जी आई डी सी एस्टेट, एटलस रेडियो के सामने, नरोडा, अहमदाबाद-382330	मोटर्स फॉर सबमर्सिबल पम्पसैट	9283	-	-	1996

1	2	3	4	5	6	7	8	9
4.	2878180	03-04-2014	डेसी इंडस्ट्रीज 49/1ए, पैकी 2, टीमभी गाँव, भलारिया मैटल के पास, वारोली ब्रीज के पास, वाया संजन, उमरगाँव, वलसाद-396150	टेक्सटाईल-लैमिनेटिड हाई डेंसिटी पॉलीथलीन (एच डी पी ई) फैब्रिक फॉर कैनाल लाईनिंग	15351	-	-	2003
5.	2876681	03-04-2014	ज्वैल गोलडी (इंडिया) श्री रामकृष्णा कॉम्लैक्स, 22, निशाल फालिया, दूसरी मंजिल, पीपल्स बैंक के पास, कटटरगाम, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
6.	2875679	07-04-2014	मिलसैंट एपलाईसिंस प्रा लिमिटेड 20, जी आई डी सी एस्टेट, विट्ठल उद्योगनगर, गाँव वल्लभ विद्यानगर, ता. आनंद, वल्लभ विद्यानगर-388121	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलैक्ट्रिक मोटर्स	996	-	-	2009
7.	2874677	08-04-2014	आस्क वॉटर प्रोडक्ट्स गजानंद हाऊस, गोडाउन नंबर बी, सी, एफ पन्ना पार्क बस स्टैंड के सामने, घाटलोडिया, अहमदाबाद-380061	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
8.	2874778	09-04-2014	ध्रुव स्टारस, सर्वे नंबर 24/14, कारेमवेले स्टेशन रोड, मोहन फाटक, वालवाडा, ता. अंबरगाँव, वलसाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
9.	2874879	09-04-2014	एसट्राल पालीटेकनिक लिमिटेड ब्लॉक नंबर 149/1, गाँव रामपुर, ढोलका खेड़ा रोड, जी आई डी सी एस्टेट के सामने, ता. ढोलका, अहमदाबाद-382225	कांड्यूट्स फॉर इलैक्ट्रिकल इंस्टालेशन	9537	3	-	1983
10.	2877784	09-04-2014	टू ब्रॉस प्रोडक्ट्स, प्लाट नंबर 4510 जी आई डी सी इंडस्ट्रियल एस्टेट, अंकलेश्वर, भारूच	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
11.	2876075	11-04-2014	नीलकंठ बिबरेजिस एट तथा पी ओ बिशातपुरा ता कडी (उत्तर गुजरात), मेहसाना, कडी-382715	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
12.	2876580	15-04-2014	धनश्री एग्रो पाली प्रोडक्ट्स, 15/ए, चांगोदर इंडस्ट्रियल एस्टेट, सरखेज बावला रोड, चांगोदर, अहमदाबाद-382213	लो डेंसिटी पॉलिथलीन फिल्म	2508	-	-	1984
13.	2877885	15-04-2014	एशियन मिल्स प्राईवेट लिमिटेड 104, साकार III, ओल्ड हाई कोर्ट के सामने, इनकम टैक्स सर्कल के पास, आश्रम रोड, अहमदाबाद-380014	स्टील ट्यूब्स फॉर आईडलर फॉर बैल्ट कनवेयर्स	9295	-	-	1983
14.	2877986	15-04-2014	एशियन मिल्स प्राईवेट लिमिटेड 104, साकार III, ओल्ड हाई कोर्ट के सामने, इनकम टैक्स सर्कल के पास, आश्रम रोड, अहमदाबाद-380014	स्टील ट्यूब्स फॉर मैकेनिकल तथा जनरल इंजीनियरिंग परपस	3601	-	-	2006
15.	2877279	16-04-2014	एक्वालाईट बिबरेजिस प्लाट नंबर 9, 10, 11 जी आई डी सी टैन, ता बारडोली, सूरत-394601	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999

1	2	3	4	5	6	7	8	9
16.	2877481	16-04-2014	एस पी डी एंटरप्राइस 13, गुनाटीनगर सोसाइटी लिमिटेड रामेश्वर एस्टेट के पास, स्वास्तिक चार रास्ता, अमराईवाडी, अहमदाबाद-380026	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999
17.	2878483	21-04-2014	रवि प्लांट बॉयो टेक्नोलोजिस लिमिटेड सर्वे नंबर 2/1, वास्का ताजपुरा रोड, गाँव वासेटी, ता हलोल, पंचमहल-389350	एमिटिंग पाईप्स सिस्टम	13488	-	-	2008
18.	2878584	21-04-2014	रवि प्लांट बॉयो टेक्नोलोजिस लिमिटेड सर्वे नंबर 2/1, वास्का, ताजपुरा रोड, गाँव वासेटी, ता हलोल, पंचमहल-389350	इरीगेशन इक्यूपमेंट-पालीथलीन पाईप फॉर इरीगेशन लेटरल	12786	-	-	1989
19.	2879182	22-04-2014	पार्थ इंजीनियरिंग 2, अमरनाथ एस्टेट, फोर्ज तथा ब्लोयर कम्पनी के पास, नरोडा रोड, अहमदाबाद	पम्पस-रिजैनेरेटिव और क्लीयर, कोल्ड वॉटर	8472	-	-	1998
20.	2879384	23-04-2014	सरस्वती फूड तथा बिबरेजिस प्लाट नंबर 1, सरदारबाग, माधव होटल के पास, सननगर के सामने, हाईवे रोड एट तथा पी ओ ता सिद्धपुर पाटन-384151	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999
21.	2880268	28-04-2014	डारसिक हैल्थकेयर इन्स 224, सहजानंद एस्टेट, सरखेज बावला रोड, सरखेज, अहमदाबाद-382110	एल्यूमिनियम कंडक्टर्स फॉर ओवरहेड ट्रांसमिशन परपज	398	5	-	1992
22.	2882171	28-04-2014	अक्षर बिबरेजिस पी/363, ए/बी, ग्राउंड फ्लोर, सब डिविजन 2 न्यू क्वार्टर गाम, सूरत-395004	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
23.	2883779	28-04-2014	गुनिया एलॉय तथा स्टील प्रा. लिमिटेड सर्वे नंबर 644, गाँव सिमेज, ता डोलका, अहमदाबाद-382810	कार्बन स्टीन कास्ट बिलेट इनमोट्स, बिलेट, ब्लूमस तथा स्लेब्स फॉर रि-रोलिंग इंटू स्टील फॉर जनरल स्ट्रक्चरल परपस	2830	-	-	2012
24.	2881775	29-04-2014	रोमैक्स पम्प इंडस्ट्रीज सी/20, पार्ट 2, मारुति इंडस्ट्रीयल एस्टेट, नरोड के सामने, फायर ब्रिगेड, अहमदाबाद-380025	सबमर्सिबल पम्पसैट	8034	-	-	2002

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 17th November, 2014

S.O. 3067.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988 of the Bureau of Indian Standards, hereby notifies grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2872673	02-04-2014	Bhawani Enterprises L-584, GIDC Estate, Opp Post Office, Odhav, Ahmedabad-382415	Packaged drinding water (other than packaged natural water)	14543	-	-	2004
2.	2874980	02-04-2014	Nilang Wires & Cables Pvt. Ltd. Shed No. 5 & 6, Shyam Industrial Estate, Plot No. 5813, Phase 1, GIDC Estate Vatva-382445	PVC Insulated Cables	694	-	-	1990
3.	2877380	03-04-2014	MAK Pump Industries Plot No. 65, Phase-1, GIDC Estate, Opp. Atlas Radio, Naroda, Ahmedabad-382330	Motor for submersible pumpsets	9283	-	-	1996
4.	2878180	03-04-2014	Daisy Industries 49/1, Paik 2, Timbhi Village Near Bhallaria Metal Close to Varoli Bridge Via Sanjan Umargaon, Valsad-396150	Textiles-laminated high density polythylene (hdpe) fabric for canal lining	15351	-	-	2003
5.	2876681	03-04-2014	Jewel Goldi (India) Shree Ramkrishna Complex 22, Nishal Falia Second Floor, Near Peoples Bank, Katargam Road, Surat-395004	Gold and gold alloys jewellery/artefacts- fineness and marking	1417	-	-	1999
6.	2875679	07-04-2014	Milcent Appliances Private Limited 20, GIDC Estate Vithal Udyognagar At Village Vallabh Vallabhnagar, At Tal. Anand Vallabh Vidyanagar-388121	Single-phase small ac and universal electric motors	996	-	-	2009
7.	2874677	08-04-2014	ASK Water Products Gajanand House, Godown No. B,C,F, Opp. Panna Park Bus Stand Ghatlodia, Ahmedabad-380061	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
8.	2874778	09-04-2014	Dhruv Stars Survey No. 24/14, Karembale Station Road Mohan Fatak, Valwada Tal: Umbergaon, Valsad	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
9.	2874879	09-04-2014	Astral Polytechnic Limited Block No. 149/1, Village Rampur, Dholka Kheda Road, Opp GIDC Estate, Tal Dholka, Distt. Ahmedabad-382225	Conduits for electrical installations:	9537	3	-	1983
10.	2877784	09-04-2014	Two Bros Products Plot No. 4510 GIDC Industrial Estate Ankleshwar Bharuch	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
11.	2876075	11-04-2014	Nilkanth Beverages At & PO: Vishatpura Tal: Kadi (N.G.) Mahesana, Kadi-382715	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
12.	2876580	15-04-2014	Dhanshree Agro Poly Product 15/A, Changodar Industrial Estate Sarkhej-Bavla Road, Changodar Ahmedabad-382213.	Low density polyethylene films	2508	-	-	1984
13.	2877885	15-04-2014	Asian Mills P. Ltd. 104, Sakar III, Opp Old High Court Nr. Incometax Circle, Ashram Road Ahmedabad-380014	Steel tubes for idlers for belt conveyors	9295	-	-	1983
14.	2877986	15-04-2014	Asian Mills Pvt. Ltd. 104, Sakar III, Opp Old High Court Nr. Incometax Circle, Ashram Road Ahmedabad-380014	Steel tubes for mechanical and general engineering purposes	3601	-	-	2006
15.	2877279	16-04-2014	Aqualite Beverages Plot No. 9-10-11, GIDC Ten Tal: Bardoli. Surat-394601	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
16.	2877481	16-04-2014	SPD Enterprises 113, Gunatitnagar SO. Ltd. Near Rameshwar Estate Swastik Char Rasta Amraiwadi Ahmedabad-380026	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
17.	2878483	21-04-2014	Ravi Plant Bio Technologies Ltd. Survey No. 2/1 Baska Tajpura Road, Village Vaseti, Tal Halol Panchamahhal-389350	Emitting pipes system	13488	-	-	2008
18.	2878584	21-04-2014	Ravi Plant Biotechnologies Ltd. Survey No. 2/1, Baska Tajpura Road, Village Vaseti, Tal Halol Panchamahhal-389350	Irrigation equipment- polyethylene pipes for irrigation laterals	12786	-	-	1989
19.	2879182	22-04-2014	Parth Engineering 2, Amarnath Estate, Nr. Forge & Blower Co., Naroda Road, Ahmedabad	Pumps-regenerative or clear, cold water-	8472	-	-	1998
20.	2879384	23-04-2014	Saraswati Foods and Beverages Plot No. 1, Sardarbag Near Madhav Hotal, Opp. Sun Nagar, Highway Road At & PO Tal Sidhpur, Patan-384151.	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
21.	2880268	28-04-2014	Darasik Healthcare Inc 224, Sahajanand Estate, Sarkhej- Bavla Road, Sarkhej, Ahmedabad-382110	Aluminium conductors for overhead transmission purposes	398	5	-	1992
22.	2882171	28-04-2014	Askhar Beverages P/363, A/B, Ground Floor Sub Division 2, New Katargam, Surat-395004	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
23.	2883779	28-04-2014	Gunina Alloy & Steel Pvt. Ltd. Survey No. 644, Village: Simej, Taluka Dholka, Ahmedabad-382810	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830	-	-	2012
24.	2881775	29-04-2014	Romex Pump Industries C/20, Part 2, Maruti Industrial Estate, Opp Naroda Road Fire Brigade, Ahmedabad-380025	Submersible pumpsets-	8034	-	-	2002

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3068.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	2817665	मैसर्स जैलको इलेक्ट्रॉनिक प्रा. लिमिटेड ब्लाक नंबर 142, एट तथा पोस्ट कारोली, जलाराम सिरामिक्स के साथ में, खतराज चोकड़ी के पास, गांधीनगर-382721	पी वी सी इंसुलेटिड केबल आई एस-694:1990	04.04.2014
2.	7318672	मैसर्स जर्मल कलरकॉन इंडिया सर्वे नंबर 206/2/1, प्रसारभारती रेडियो स्टेशन के सामने बरेजाडी रोड, गांव बीडज, ता खेडा-387120	सिंथेटिक फूड कलर-प्रीपेरेशन तथा मिक्सचर्स आई एस 5346:1994	09.04.2014
3.	7455783	मैसर्स तरल इंडस्ट्रीज प्रा. लिमिटेड 476, विजय इंडस्ट्रियल एस्टेट, सामियाला, ता पादरा वडोदरा-391410	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर) आई एस 14543-2004	29.04.2014

[सं. सीएमडी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3068.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of India Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each:—

SCHEDULE

Sl. No.	Licences No. CM/L	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	2817665	M/s Gelco Electronics Pvt. Ltd. Block No. 142, At & Post Karoli, Beside Lalaram Ceramic near Khatraj Chokadi, Distt. Gandhinagar-382721	PVC Insulated cables IS 694:1990	04.04.2014
2.	7318672	M/s Greman Colorcon India Survey No. 206/2/1 Opp Prasarbharti Radio Station Barejadi Road, Vill-Beedaj Tal-Kheda, Distt. Kheda-387120	Synthetic Food Colour-preparations and mixtures IS 5346 : 1994	09.04.2014
3.	7455783	M/s Taral Industries Private Limited 476, Vijay Ind. Estate, Samiyala TA-Padra Distt. Vadodara-391410.	Packaged drinking water (other than packaged natural mineral water) IS 14543 : 2004	29.04.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3069.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2880975	01.05.2014	गनैबो इंडिया प्रा. लिमिटेड प्लॉट नंबर 1302-1306, जीआईडीसी इंडस्ट्रियल एस्टेट चांपानेर रोड, हलोल-389350	फायर रिसिंग (इंसुलेंटिंग) फायलिंग केबिनेट	14561	-	-	2007
2.	2881068	01.05.2014	सोमनाथ पाली प्लास्ट प्रा. लिमिटेड प्लॉट नंबर 88, निर्मल इंडस्ट्रियल पार्क, जीआईडीसी गोजारिया, ता तथा पोस्ट मेहसाना	अनप्लास्टिसाईड पी वी सी पाईप्स फार पोटेबल वाटर सप्लायस	4985	-	-	2000
3.	2881674	01.05.2014	हिलकोना केबल नंबर बी-25, अंबिका इंडस्ट्रियल एस्टेट, अंबिका नगर, ओढव, अहमदाबाद-382415	पी वी सी इंसुलेटिंग केबल	694	-	-	1990
4.	2882272	02.05.2014	वरीटास इंडस्ट्रीज प्राईवेट लिमिटेड सर्वे नंबर 32, जी आई डी सी, ता अंबरगोंम वलसाद, सारिगाम	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांसमिशन परपस	398	2	-	1996
5.	2882474	06.05.2014	एन एल एक्स्ट्रूजन 43, श्रीराम एस्टेट, शाह एलाय के सामने, सांतेज ता कलोल, गांधीनगर-382721	कांडयूटस फार इलैक्ट्रिकल इन्स्टालेशन	9537	3	-	1983
6.	2883880	06.05.2014	साबेरो आरगैनिक्स गुजरात लिमिटेड प्लॉट नं. 2102, जी आई डी सी, सारिगाम, मिलाड, वलसाद, वापी-396155	मानकोजैब वाटर डिपर्सिबल पाउडर कंसंट्रेट	8708	-	-	1978
7.	2884579	06.05.2014	गणपति वुल प्लाई इंडस्ट्रीज एट धर्मपुरा, प्लॉट नं. 7, एस आर नं. 276, गांव नाईका, ता खेडा-387560	वुडन फ्लश डोर शटर (सालिड कोर टाईप)	2202	1	-	1999
8.	2885682	06.05.2014	ओम बिबरेजिस प्लॉट नं. 81/6/1, जी आई डी सी, वटवा अहमदाबाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
9.	2883981	07.05.2014	ज्योति ज्वैलर्स शॉप नं. 19, ज्ञामकुंज को ओप एच एस सी सोसाइटी, अभिलाषा चार रास्ता, न्यू सामा रोड वडेदरा-390008	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्कारी शुद्धता एवं मुहरांकन	1417	-	-	1999
10.	2883577	07.05.2014	जय भवानी डायमंड 15, पाटीदार काम्पलैक्स स्टेशन रोड, बारडोली, सूरत-394602	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्कारी शुद्धता एवं मुहरांकन	1417	-	-	1999
11.	2884983	08.05.2014	श्री साईनाथ बिबरेजिस 47, प्रहलाद पार्क सोसाइटी, चांदखेडा, रेलवे क्रासिंग के सामने, गांव जगतपुर, ता दसक्राई, अहमदाबाद-380005	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
12.	2887080	08.05.2014	रतनम लैमिनेट्स प्रा. लिमिटेड सर्वे नं. 116/बी-1, गांव सांपा, ता देहगाम गांधीनगर-382305	डैकोरेटिव थर्मोसैटिंग सिनथैटिक रेसिन बॉन्डिड लैमिनेटिड शीट्स	2046	-	-	1995

1	2	3	4	5	6	7	8	9
13.	2885076	12.05.2014	मालाबार गोल्ड प्राईवेट लिमिटेड डोर नं. जी 2, जी 3, तीसरा आई वन कॉमर्शियल काम्पलैक्स, पंचवटी सर्कल के पास, सी जी रोड, अहमदाबाद	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	-	-	2003
14.	2885177	12.05.2014	गालाबार गोल्ड प्राईवेट लिमिटेड डोर नं. जी 2, जी 3, तीसरा आई वन कॉमर्शियल काम्पलैक्स, पंचवटी सर्कल के पास, सी जी रोड, अहमदाबाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
15.	2885783	12.05.2014	आर वी एक्वा एट कंकापुरा, देवपुरा, ता विजापुर, डि मेहसाना विजापुर-382870	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
16.	2886482	13.05.2014	श्री बलराम रोलिंग मिल्स (प्रा.) लिमिटेड सर्वे नंबर 1959, गांव वामज, ता कडी I, डिस्ट्रिक्ट मेहसाना, वामेज-382715	स्टील फार जनरल स्टकचरल परपस	2062	-	-	2011
17.	2886583	13.05.2014	नेचर प्रोडक्ट्स 46, नालंदा एस्टेट, गिरनार स्कूटर कंपाउंड सरदार पटेल रिंग रोड सर्कल के पास, ओढव अहमदाबाद-382415	पम्पस-रिजैनेरेटिव और क्लीयर, कोल्ड वाटर	8472	-	-	1998
18.	2887787	13.05.2014	डायमंड पावर इंफ्रास्ट्रक्चर लिमिटेड फेस-II गांव वडाडला, ता सावली वडोदरा-391520	एल्यूमिनियम कंडक्टर्स फार ओवरहेड ट्रांसमिशन परपस	398	1	-	1996
19.	2887181	16.05.2014	आर बी पालीमर्स लिमिटेड प्लॉट नं. 103 से 108, महालक्ष्मी इंडस्ट्रियल एस्टेट एट आइवा, अहमदाबाद-382110	डैकोरेटिव थर्मोसेटिंग सिनथेटिक रेसिन बॉण्डिड लैमिनेटिड शीट्स	2046	-	-	1995
20.	2887383	17.05.2014	फोरम बिबरेजिस प्लॉट नंबर, 49, 50 ग्राउंड फ्लोर, अमीधारा इंडस्ट्रियल सोसा 3, टी वी एस वर्क शॉप के पास, इमाता रोड, मैगोव सूत-395001	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
21.	2887888	20.05.2014	मारवैक्स पाईप टैक प्राईवेट लिमिटेड ब्लाक नं. 121, मयूर सिनेमा के पास, बडोदरा गांव, अहमदाबाद हाइवे, एट बडोदरा, अहमदाबाद, दसक्रोई-382434	हाई डेंसिटी पालीथलीन पाईपस फार पोटेबल वाटर सपलाईस	4984	-	-	1995
22.	2888385	21.05.2014	हिमसन इंडस्ट्रीज प्लॉट नं. 40, रोड नं. ए, काठवाडा, जीआईडीसी काठवाडा अहमदाबाद-382430	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलेक्ट्रिक मोटर्स	996	-	-	2009
23.	2888486	22.05.2014	अशोका फूड्स तथा बिबरेजिस 19/6-2, प्रकाश एस्टेट, रीटनगर, वस्त्राल रोड, अमराईवाडी अहमदाबाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
24.	2888688	22.05.2014	श्री कारेश्वरी जवैलर्स 2782/ई/2, काटोपर दरवाजा बाजार, भारूच-392001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
25.	2888890	26.05.2014	एक्सीटेरा हेल्थकेयर प्लॉट नंबर 133, शिव सिटी इंडस्ट्रीज पार्ट-1 मनकना, सूत	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
26.	2889589	26.05.2014	जय अंबे मिनरल्स एस आर नंबर 195/3, प्लॉट नंबर 2 छानासमा हाइवे, हरिज लिंक रोड, पाटन	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
27.	2889488	28.05.2014	एमपियर इलेक्ट्रिकल्स 28, पटेल नगर, मर्घा फार्म के पास, शास्त्री स्टेडियम के पीछे, बापूनगर, अहमदाबाद-380024	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलेक्ट्रिक मोटर्स	996	-	-	2009
28.	2890069	30.05.2014	राज पालिमर्स प्लॉट नंबर. 427, रोड नंबर. 10, फेस II, जी आई डी सी, काठवाडा, अहमदाबाद-382430	फर्टिलाइजर तथा कैमिकल इंजैक्टर सिस्टम	14483	1	-	1997
29.	2890170	30.05.2014	राज पालिमर्स प्लॉट नंबर. 427, रोड नंबर. 10, फेस II, जी आई डी सी, काठवाडा, अहमदाबाद-382430	ईरीगेशन इक्वूपमेंट-हाइड्रो साइकलोन फिल्टर	14743	-	-	1999

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3069.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2880975	01.05.2014	Gunnebo India Private Limited Plot No. 1302-1306, GIDC Industrial Estate, Champaner Road, Halol-389350	Fire resisting (insulating) filing cabinets	14561	-	-	2007
2.	2881068	01.05.2014	Somnath Poly Plast Pvt Ltd Plot No. 88, Nirmal Industrial Park GIDC Gozaria, TA & Dist. Mehsana	Unplasticized pvc pipes for potable water supplies	4985	-	-	2000
3.	2881674	01.05.2014	Hilcona Cable No. B-25, Ambica Industrial Estate Ambica Nagar, Odhav Ahmedabad-382415	PVC insulated cables	694	-	-	1990
4.	2882272	02.05.2014	Veritas Industries Pvt. Ltd Survey No. 32, GIDC Sarigam Tal; Umbergaon, Valsad, Sarigam	Aluminium conductors for overhead transmission purposes	398	2	-	1996
5.	2882474	06.05.2014	N L Extrusions 43, Shri Ram Estate, Opp. Shah Alloys Santej, Tal; Kalol, Gandhinagar 382721	Conduits for electrical installations	9537	3	-	1983
6.	2883880	06.05.2014	Sabero Organics Gujarat Ltd., Plot No. 2102, GIDC Sarigam, Bhilad Valsad, Vapi-396155	Mancozeb water dispersible powder concentrates	8708	-	-	1978
7.	2884579	06.05.2014	Ganpati Wood Ply Industries At Dharampura, Plot No. 7, Sr. No. 276, Village Naika, Taluka Kheda-387560	Wooden Flush door Shutters (solid core type):	2202	1	-	1999
8.	2885682	06.05.2014	Om Beverages Plot No. 81/6/1, GIDC, Vatva Ahmedabad	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
9.	2883981	07.05.2014	Jyoti Jewellers Shop No. 19, Gyam Kunj Co-op Hsc Soc. Abhilasha Char Rasta, New Sama Road, Vadodara-390008	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
10.	2883577	07.05.2014	Jay Bhavani Diamonds 15, Patidar Complex Station Road, Bardoli, Surat 394602	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
11.	2884983	08.05.2014	Shree Sainath Beverages 47, Prahladpark Society Opp. Chandkheda Railway Crossing Vill: Jagatpur, Tal: Dascroi, Ahmedabad-380005	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
12.	2887080	08.05.2014	Ratnam Laminates Pvt. Ltd. Survey No. 116/B-1, Village; Sampa, Taluka-Dehgam, Gandhinagar-382305	Decorative thermosetting synthetic resin bonded laminated sheets	2046	-	-	1995
13.	2885076	12.05.2014	Malabar Gold Pvt. Ltd Door No. G2, G3, Third Eye One Commercial Complex, Near Panchvati Circle, C G Road, Ahmedabad	Silver and silver alloys, jewellery/artefacts- fineness and marking	2112	-	-	2003
14.	2885177	12.05.2014	Malabar Gold Pvt. Ltd. Door No. G2, Third Eye One Commercial Complex, Near Panchvati Circle, C G Road, Ahmedabad	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
15.	2885783	12/-5.2014	R. V. Aqua At Kankapura, Devpura Tal Vijapur, Distt. Mehsana Vijapur-382870	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
16.	2886482	13.05.2014	Shree Balram Rolling Mills(P) Ltd. Survey No. 1959, Vill Vamaj. Tal kadi, Distt. Mehsana, Vamaj-382715	Steel for general structural purposes	2062	-	-	2011
17.	2886583	13.05.2014	Nature Products 46, Nalanda Estate, Girnar Scooter clear, cold water Compound, Near Sardar Patel Ring Road Circle, Odhav Ahmedabad-382415	Pumps - regenerative or	8472	-	-	1998
18.	2887787	13.05.2014	Diamond Power Infrastructure Ltd., Phase-II Village Vadadala Tal-Savli, Vadodara-391520	Aluminium conductors for overhead transmission purposes	398	1	-	1996
19.	2887181	16.05.2014	R B Polymers Ltd., Plot No. 103 to 108, Mahalaxmi Ind. Estate At Iyava, Ahmedabad, Gujarat-382110	Decorative thermosetting synthetic resin bonded laminated sheets	2046	-	-	1995
20.	2887383	17.05.2014	Forum Beverages Plot No. 49, 50 Ground Floor, Amidhara Indl SCO. 3, N/R TVS Work Shop, Imata Road, Magob Surat-395001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
21.	2887888	20.05.2014	Marvex Pipe Tech Pvt. Ltd. Block No. 121, NR. Mayur Cinema, Badodara Village, Mahemdabad Highway, At Badodara, Ahmedabad, Daskroi-382434	High density Polyethylene pipes for potable Water supplies	4984	-	-	1995

1	2	3	4	5	6	7	8	9
22.	2888385	21.05.2014	Himson Industries Plot No. 40, Road No. A, Kathwada, GIDC Kathwada, Ahmedabad-382430	Single-phase small ac and universal electric motors	996	-	-	2009
23.	2888486	22.05.2014	Ashoka Foods & Beverages 19/6-2, Prakash Estate, Ritanagar, Vastral Road, Amraiwadi, Ahmedabad	Packaged Drinking water (other than packaged natural mineral water)	14543	-	-	2004
24.	2888688	22.05.2014	Shree Kareshwari Jewellers 2782/E/2, Katopor Darwaja Bazar, Bharuch-392001 Gujarat	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
25.	2888890	26.05.2014	Exetera Healthcare Plot No. 133, Shiv City Industries Part-1, Mankna Surat City, Surat	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
26.	2889589	26.05.2014	Jay Ambe Minerals SR No. 195/3, Plot No. 2, Chanasma Highway Harij Link Road, Patan Gujarat	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
27.	2889488	28.05.2014	Ampere Electricals 28, Patel Nagar, Near Margha Farm Behind Shastri Stadium, Bapunagar, Ahmedabad-380024	Single-phase small ac and universal electric motors	996	-	-	2009
28.	2890069	30.05.2014	Raj Polymers Plot No. 427, Road No. 10, Phase II GIDC, Kathwada Ahmedabad-382430	Fertilizer and chemical injector system	14483	1	-	1997
29.	2890170	30.05.2014	Raj Polymers Plot No. 427, Road No. 10, Phase II GIDC, Kathwada, Ahmedabad-382430	Irrigation equipment- hydrocyclone filters	14743	-	-	1999

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3070.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7143461	मैसर्स किरलोसकर ब्रदर्स 254/1 चारोडी गांव, सानंद, अहमदाबाद विरमगाँव हाइवे, अहमदाबाद-382170	सबमर्सिबल पम्पसेट आई एस-8034:2002	05.05.2014
2.	3745671	मैसर्स जोश इंडस्ट्रीज प्लॉट नंबर 26, जी आई डी सी दाबोई, वडोदरा, दाबोई-391110	ऑटोमोटिव विहीकल्स - ट्यूब्स फॉर न्यूमैटिक टायर आई एस-13098:1991	16.05.2014

[सं. सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3070.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	7143461	M/s. Kirloskar Brothers 254/1 Chharodi Village, Sanand Ahmedabad Viramgam Highway, Ahmedabad-382170	Submersible Pumpsets IS 8034:2002	05.05.2014
2.	3745671	M/s. Josh Industries Plot No. 26, GIDC Dabhoi, Vadodara, Dabhoi-391110	Automotive Vehicles - Tubes for pneumatic Tyres IS 13098:1991	16.05.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3071.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:--

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2891677	09.06.2014	एक्सिस सोल्यूशनस प्रा. लिमिटेड प्लॉट नंबर 324, रोड नंबर 5, जी आई डी सी, काठवाडा, अहमदाबाद-382430	एक्सप्लोसिव एटमोस्फियर्स पार्ट 1 इक्यूपमेंट प्रोटेक्शन बाय फ्लेमप्रूफ एनक्लोसर्स "डी"	आई एस/आई ई सी 60079	1	-	2007
2.	2892477	16.06.2014	कॅटम प्लास्ट 85 से 90 शिव शक्ति एस्टेट वी ट्रान नी गली, नारोल क्रास रोड, नारोल, अहमदाबाद	क्लोरिनेटिड पी वी सी पोटेबल पाईप फार हॉट तथा कोल्ड वाटर डिस्ट्रिब्यूशन सप्लाइस	15778	-	-	2007
3.	2892073	17.06.2014	फोर के बिबरेजिस प्लॉट नंबर 19-ए, कुसमपार्क, गांव अटक पारडी, ता. वलसाद-396001	पैकेजबंद पेयजल (अदर दैन पैकजड नेचुरल मिनरल वाटर)	14543	-	-	2004
4.	2892275	18.06.2014	क्लासिक पम्प 3/ए, परेश एस्टेट, सोनिया सिरामिक्स के सामने, अनिल स्टार्च रोड, नरोडा रोड, अहमदाबाद-380025	सबमर्सिबल पम्पसैट	8034	-	-	2002
5.	2892376	20.06.2014	गंगा वाटर 63, गंगोत्री काम्पलैक्स, मानसा के समाने जी आई डी सी, ता. मानसा, गांधीनगर-382845	पैकेजबंद पेयजल (अदर दैन पैकजड नेचुरल मिनरल वाटर)	14543	-	-	2004
6.	2897790	20.06.2014	श्री निलोसकर पम्पस 263 तथा 264, शुभ इंडस्ट्रियल एस्टेट, सी एल विद्यालय के पास, काठवाडा सिंगरवा रोड, अहमदाबाद-382430	सबमर्सिबल पम्पसैट	8034	-	-	2002

1	2	3	4	5	6	7	8	9
7.	2892578	22.06.2014	अमी मिनरल वाटर प्लाट नंबर ए-1-163, जी आई डी सी एस्टेट, अंकलेश्वर, एट गांव अंकलेश्वर, भारूच, अंकलेश्वर-393002	पैकजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
8.	2892679	23.06.2014	एड लाईफ इंजीनियर्स बी/6, प्रकाश इंडस्ट्रियल एस्टेट, रीटा नगर के पास, वस्त्राल रोड, अहमदाबाद-382026	ओपन वैल सबमर्सिबल पम्पसेट	14220	-	-	1994
9.	2892982	23.06.2014	मारुति पालिमर्स ए/29, गोल्डन पार्क, जी आई डी सी कडी कलोल रोड के सामने, मेहसाना-382715	कांड्यूट्स फार इलैक्ट्रिकल इंस्टालेशन	9537	3	-	1983
10.	2893277	30.06.2014	जय बालाजी इलैक्ट्रिकल्स शैड नंबर 123, आशीर्वाद इंडस्ट्रियल एस्टेट, नरोडा रोड, अहमदाबाद	पी वी सी इंसूलेटिड केबल्स	694	-	-	1990

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3071.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2891677	09.06.2014	Axis Solutions Pvt. Ltd. Plot No. 324, Road No. 5, GIDC Kathwada, Ahmedabad-382430	Explosive atmospheres part 1 equipment protection by flameproof enclosures "d"	IS/IEC 60079	1	-	2007
2.	2892477	16.06.2014	Kantam Plast 85 to 90 Shiv Shakti Estate V Tran Ni Gali Narol Cross Road, Narol, Ahmedabad	Chlorinated pvc pipes for potable hot and cold water distribution supplies	15778	-	-	2007
3.	2892073	17.06.2014	M/s. 4 K Beverages Plot No. 19-A, Kusampark, Village Atak Paradi, Tal. Valsad-396001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
4.	2892275	18.06.2014	Classick Pump 3/A, Paresch Estate, Opp. Soniya Ceramic Anil Starch Road, Naroda Road, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
5.	2892376	20.06.2014	Ganga Water 63, Gangotri Complex Opp. Mansa GIDC Tal. Mansa Gandhinagar, Mansa-382845	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
6.	2897790	20.06.2014	Shree Niloskar Pumps 263 & 264, Shubh Indl. Estate Near C L Vidhyalaya, Kathwada- Singerva Road, Ahmedabad-382430	Submersible pumpsets	8034	-	-	2002

1	2	3	4	5	6	7	8	9
7.	2892578	22.06.2014	Ami Mineral Water Plot No. A-1-163, GIDC Estate. Ankleshwar, AT Village Ankleshwar, natural mineral water) Bharuch, Ankleshwar-393002	Packaged drinking water (other than packaged Ankleshwar, natural mineral water)	14543	-	-	2004
8.	2892679	23.06.2014	Add-Life Engineers B/6, Prakash Ind. Estate, Nr. Rita Nagar, Vastral Road, Ahmedabad-382026	Openwell submersible pumpsets	14220	-	-	1994
9.	2892982	23.06.2014	Maruti Polymers A/29, Golden Park, Opp. GIDC Kadi-Kaol Road, Mahesana-382715	Conduits for electrical installations	9537	3	-	1983
10.	2893277	30.06.2014	Jai Balaji Electricals Shed No. 123, Aashirwad Indl. Estate, Naroda Road, Ahmedabad	PVC Insulated Cables	694	-	-	1990

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3072.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	3780370	मैसर्स रिलायेंस रबर इंडस्ट्रीज शेड नंबर सी-1/602, जी आई डी सी सारीगाम, ता. अंबरगाम, डि वलसाद-396155	ऑटोमोटिव विहीकलस - ट्यूब्स फॉर न्यूमैटिक टायर्स आई एस-13098:1991	30.06.2014

[सं. सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3072.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

S.No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	3780370	M/s. Reliance Rubber Industries Shed No. C-1/602. G.I.D.C. Sarigam, TA. Umbergam, Dist. Valsad-396155	Automotive Vehicles - Tubes for pneumatic Tyres IS 13098:1991	30.06.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist 'F' & Head

शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 2014

का.आ. 3073.—भारतीय मानक ब्यूरो एतद्द्वारा भारत के राजपत्र, देखें एस.ओ. 1877 ई, दिनांक 19 जुलाई 2014 के भारतीय मानक ब्यूरो विनियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुपालन में भारत के राजपत्र असाधारण, भाग II, खंड 3 के उपखंड (ii) में प्रकाशित उपभोक्ता मामले विभाग, खाद्य एवं सार्वजनिक वितरण मंत्रालय के अंतर्गत भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करता है :—

(i) अधिसूचना की पंक्ति 3 में - “मानकों के विवरण, यदि कोई हों, जो कालम (4) में दिए गए हैं, जो कालम (5) में दर्शाई गई तिथि को रद्द किए जायेंगे”। को “मानकों के विवरण” यदि कोई हों, जो चौथे कालम में दिए गए हैं, को भी जब तक कि पाँचवें कालम में उनके सामने दर्शाई गई तिथि को रद्द नहीं किया जाता है, तो वे वर्तमान में भी जारी रहेंगे”, से प्रतिस्थापित करें।

(ii) अनुसूची के कालम (5) में - “30 जनवरी 2015” को “19 जुलाई 2014” से प्रतिस्थापित करें।

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : ETD 16/1 Gen/2014]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

CORRIGENDUM

New Delhi, the 15th October, 2014

S.O. 3073.—Bureau of Indian Standards hereby makes the following AMENDMENT to the NOTIFICATION of Government of India under the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) published in Part II, Section 3, sub-section (ii) of the Gazette of India, Extraordinary in pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, of the Gazette of India, vide S.O. 1877 E dated 19 July, 2014:

(i) In line 3 of NOTIFICATION - Substitute "The particulars of the standards, if any, which are given in column (4) shall be cancelled on the date indicated in column (5)." for "The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column."

(ii) In column (5) of schedule - Substitute "19 July, 2014" for "30 Jan., 2015".

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices :

Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. : ETD 16/1 Gen/2014]

KALA M. VARIAR, Director (Foreign Languages & Publication)

शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 2014

का.आ. 3074.—भारतीय मानक ब्यूरो एतद्द्वारा भारत के राजपत्र, एस.ओ. 1175 दिनांकित 15 मार्च, 2014, द्वारा भारतीय मानक ब्यूरो नियम, 1987, के भारत के राजपत्र के नियम 7 के उप-नियम (1) के खंड (ख) के अनुपालन में भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) में प्रकाशित उपभोक्ता, खाद्य एवं सार्वजनिक वितरण मंत्रालय (उपभोक्ता मामले विभाग) के अंतर्गत भारत सरकार की अधिसूचना में निम्नलिखित संशोधित करता है :

अनुसूची के कालम 5 के क्रमांक (1) -- “15 मार्च 2014” को “15 मई 2015” से प्रतिस्थापित करें।

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/STD-1]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

CORRIGENDUM

New Delhi, the 15th October, 2014

S.O. 3074.—Bureau of Indian Standards hereby makes the following AMENDMENT to the NOTIFICATION of Government of India under the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) published in the Part II, Section 3, sub-section (ii) of the Gazette of India, in pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, of the Gazette of India, vide S.O. 1175 dated 15 March, 2014:

In the Schedule, Sl. no. (i), Column 5 - Substitute "15 May 2015" for "15 March 2014".

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. : PUB/STD-1]

KALA M. VARIAR, Director (Foreign Languages & Publication)

नई दिल्ली, 28 अक्टूबर, 2014

का. आ. 3075.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं।

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	स्थापित तिथि
1.	आई एस 302 (भाग 1) : 2008	संशोधन संख्या 3 जुलाई 2014	28 अक्टूबर 2014
2.	आई एस 807 : 2006 (दूसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
3.	आई एस 1084 : 2005 (पांचवा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
4.	आई एस 1180 (भाग 1) : 1989 (तीसरा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
5.	आई एस 1180 (भाग 2) : 1989 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
6.	आई एस 1321 (भाग 1) : 2003 (चौथा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
7.	आई एस 1321 (भाग 1) : 2003 (चौथा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
8.	आई एस 1417 : 1999 (तीसरा पुनरीक्षण)	संशोधन संख्या 5 अक्टूबर 2014	28 अक्टूबर 2014
9.	आई एस 3009 : 2002 (तीसरा पुनरीक्षण)	संशोधन संख्या 2 जुलाई 2014	28 अक्टूबर 2014
10.	आई एस 4084 : 1978 (पहला पुनरीक्षण)	संशोधन संख्या 3 अक्टूबर 2014	28 अक्टूबर 2014
11.	आई एस 4558 : 1995 (दूसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
12.	आई एस 6349 : 1981 (पहला पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
13.	आई एस 8674 : 2013/आई एस ओ 1969 : 2004 (तीसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
14.	आई एस 9308 (भाग 1 से 3) (भाग 1) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
15.	आई एस 9308 (भाग 1 से 3) (भाग 2) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
16.	आई एस 9308 (भाग 1 से 3) (भाग 3) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
17.	आई एस 9308 (भाग 4) : 1999	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
18.	आई एस 12948 : 1990	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
19.	आई एस 13501 : 1992	संशोधन संख्या 1 सितम्बर 2014	28 अक्टूबर 2014
20.	आई एस 14439 (भाग 2) : 1998	संशोधन संख्या 3 अक्टूबर 2014	28 अक्टूबर 2014
21.	आई एस 14812 : 2005 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
22.	आई एस 16176 : 2014	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी,

हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/GN-1: 4]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 28th October, 2014

S.O. 3075.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 302 (Part 1) : 2008 Safety of Household and Similar Electrical Appliances Part 1 General Requirements	Amendment No. 3 July 2014	28 October 2014
2.	IS 807 : 2006 Design, Erection and Testing (Structural Portion) of Cranes and Hoists - Code of Practice (Second Revision)	Amendment No. 1 October 2014	28 October 2014
3.	IS 1084 : 2005 Textiles - Manila Ropes - Specification (Fifth Revision)	Amendment No. 2 October 2014	28 October 2014
4.	IS 1180 (Part 1) : 1989 Outdoor Type Three-Phase Distribution Transformers Up to and Including 100 KVA 11 KV Part 1 Non-Sealed Type (Third Revision)	Amendment No. 2 October 2014	28 October 2014
5.	IS 1180 (Part 2) : 1989 Outdoor Type Three-Phase Distribution Transformers Up to and Including 100 KVA 11 KV Part 2 Sealed Type (First Revision)	Amendment No. 1 October 2014	28 October 2014
6.	IS 1321 (Part 1) : 2003 Sisal Ropes Part 1 Untarred Varieties (Fourth Revision)	Amendment No. 1 October 2014	28 October 2014
7.	IS 1321 (Part 1) : 2003 Sisal Ropes Part 1 Untarred Varieties (Fourth Revision)	Amendment No. 2 October 2014	28 October 2014
8.	IS 1417 : 1999 Gold and Gold Alloy, Jewellery/Artefacts - Fineness and Marking - Specification (Third Revision)	Amendment No. 5 October 2014	28 October 2014
9.	IS 3009 : 2002 Brushes, Shoe Polishing - Specification (Third Revision)	Amendment No. 2 July 2014	28 October 2014
10.	IS 4084 : 1978 Specification for Eyelets and Washers (SAIL) (First Revision)	Amendment No. 3 October 2014	28 October 2014

1	2	3	4
11.	IS 4558 : 1995 Under-Drainage of Lined Canals-Code of Practice (Second Revision)	Amendment No. 1 October 2014	28 October 2014
12.	IS 6349 : 1981 Specification for Tape, Nylon, Tuular for Aerospace Applications (First Revision)	Amendment No. 2 October 2014	28 October 2014
13.	IS 8674 : 2013/ISO 1969 : 2004 Fiber Ropes - Polyethylene - 3- and 4- Strand Ropes (Third Revision)	Amendment No. 1 October 2014	28 October 2014
14.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 1 Bristle Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
15.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 2 Mattress Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
16.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 3 Decorticated Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
17.	IS 9308 (Part 4) : 1999 Mechanically Extracted Coir Fibers - Specification Part 4 Machine Twisted Curled Coir Fiber	Amendment No. 1 October 2014	28 October 2014
18.	IS 12948 : 1990 Tungsten Halogen Lamps (Non - Vehicle) - Specification	Amendment No. 1 October 2014	28 October 2014
19.	IS 13501 : 1992 Textiles - Determination of Flammability by Oxygen Index	Amendment No. 1 October 2014	28 October 2014
20.	IS 14439 (Part 2) : 1998 Legal Metrology - Gas Volume Meters Part 2 Diaphragm Gas Meters	Amendment No. 3 October 2014	28 October 2014
21.	IS 14812 : 2005 Automotive Vehicles - Rear Under - Run Protective Device - General Requirements (First Revision)	Amendment No. 1 October 2014	28 October 2014
22.	IS 16176 : 2014 Ratchet Pipe Threader for Taper Pipe Threads (R-Series)-Specification	Amendment No. 1 October 2014	28 October 2014

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi. On line purchase of Indian standard can be made at :<http://www.standardsbis.in>.

[Ref. : PUB/GN-1:4]

KALA MADHAVI VARIAR, Director (Foreign Languages & Publications)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3076.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक(कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
1.	आईएस 7620 (भाग 1) : 1986 चिकित्सकीय विद्युत उपकरण डायग्नोस्टिक एक्स-रे उपकरण भाग 1 यांत्रिकीय एवं विद्युत सुरक्षा अपेक्षाएं (पहला पुनरीक्षण) 3 संशोधन के साथ	26 नवम्बर, 2014	NA	NA

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकत्ता, चण्डीगढ़, चेन्नै, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/GN-1/E]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 26th November, 2014

S.O. 3076.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Establishment	No. & Year of the Indian Standards to be cancelled, if any	Date of cancellation
1.	IS 7620 (Part 1) : 1986 Medical Electrical Equipment - Diagnostic X-Ray Equipment Part 1 Mechanical and Electrical Safety Requirements (First Revision) with Three Amendments	26 November, 2014	NA	NA

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi - 110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref: PUB/GN-1/E]

KALA M. VARIAR, Director (Foreign Languages & Publication)

कोयला मंत्रालय

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3077.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त होने की संभावना है;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र में अंतर्विष्ट करने वाला रेखांक संख्यांक आरईवी/10/2014, तारीख 07 जून, 2014 का निरीक्षण सेंट्रल कोलफील्ड्स लिमिटेड (भूमि और राजस्व विभाग), दरभंगा हाउस, रांची-834029 (झारखण्ड) के कार्यालय में या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड्डा, जिला हजारीबाग (झारखण्ड) के कार्यालय में या उपायुक्त, जिला हजारीबाग, झारखण्ड या महाप्रबंधक (खोज प्रभाग) आरआई-III, सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीच्यूट लिमिटेड, गोंदवाना प्लेस, कांके रोड, रांची (झारखण्ड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कोलकाता-700001, के कार्यालय में किया जा सकता है।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति—

- (i) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या संभावित क्षति अधिनियम की धारा 6 के अधीन किसी नुकसानी के लिए प्रतिकर का दावा कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 13 की उप-धारा (1) के अधीन समाप्त हो गई पूर्वोक्त अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन समाप्त हो गए खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मर्दों के संबंध में उपगत व्यय को उपदर्शित करने के लिए उक्त भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को सुपुर्द करेगा;

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड्डा, जिला हजारीबाग (झारखण्ड) या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, दरभंगा हाउस, रांची-834029 (झारखण्ड) को सुपुर्द करेगा।

अनुसूची

चानो रिकबा विवृत परियोजना

जिला-चतरा, झारखण्ड

(रेखांक संख्यांक आरईवी/10/2014, तारीख 7 मई, 2014)

सभी अधिकार

क्र. सं.	ग्राम	थाना	थाना संख्या	जिला	क्षेत्र एकड़ में (लगभग)	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1.	खपिया	माण्डू	29	हजारीबाग	615.32	249.12	भाग
2.	कुरा	माण्डू	30	हजारीबाग	628.24	254.35	भाग
3.	रिकबा	माण्डू	31	हजारीबाग	433.85	175.65	भाग
4.	कनकी	माण्डू	47	हजारीबाग	50.19	20.32	भाग
कुल क्षेत्र : 1727.60 एकड़ (लगभग)							
या 699.44 हेक्टेयर (लगभग)							

सीमा वर्णन :

क-ख-ग-घ रेखा, बिन्दु 'क' से आरम्भ होती है और ग्राम, कुरा, रिकबा, खपिया और कनकी के भाग से गुजरती हुई बिन्दु 'घ' पर मिलती है।
 घ-ङ-च रेखा, बिन्दु ग्राम, कनकी खपिया, के भाग से गुजरती हुई बिन्दु 'च' पर मिलती है।
 च-छ-ज-झ रेखा, बिन्दु ग्राम, खपिया, कुरा, किरबा के भाग से गुजरती हुई बिन्दु 'झ' पर मिलती है।
 झ-क रेखा, बिन्दु ग्राम, खपिया, कुरा के भाग से गुजरती हुई आरम्भिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/9/2014-पीआरआईडब्ल्यू-I]

दोमिनिक डुंगडुंग, अवर सचिव

MINISTRY OF COAL

New Delhi, the 2nd December, 2014

S.O. 3077.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/10/2014, dated the 7th May, 2014 of the areas covered by this notification may be inspected at the office of the Central Coalfields Limited (Land and Revenue Department), Darbhanga House, Ranchi- 834029 (Jharkhand) or at the office of the General Manager, Central Coalfields Limited, Argada, District-Hazaribagh (Jharkhand), or at the office of the Deputy Commissioner, District - Hazaribagh, Jharkhand or at the office of the General Manager (Exploration Division), RI- III, Central Mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, 1, Council House Street, Kolkata- 700 001.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development), Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal in land described in the aforesaid Schedule.

Any person interested in the land described in the afore mentioned Schedule may -

- (i) claim compensation under sub-section (1) of Section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- (ii) claim compensation under sub-section (1) of Section 13 of the said Act in respect of prospecting licence ceasing to have effect or under sub-section (4) of Section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of Section 13 of the said Act, to the office of the General Manager, Central Coalfields Limited, Argada, District Hazaribagh (Jharkhand) or the General Manager, Central Coalfields Limited, Land and Revenue Department, Darbhanga House, Ranchi-834029 (Jharkhand) within ninety days from the date of publication of this notification in the official gazette.

SCHEDULE

Chano Rikba Opencast Project

District- Chatra, Jharkhand

(plan bearing number Rev/10/2014, dated the 7th May, 2014)

All Rights:

Sl. No.	Village	Thana	Thana number	District	Area in acres (approximately)	area in hectares (approximately)	Remarks
1.	Khapia	Mandu	29	Hazaribagh	615.32	249.12	Part
2.	Kura	Mandu	30	Hazaribagh	628.24	254.35	Part
3.	Rikba	Mandu	31	Hazaribagh	433.85	175.65	Part
4.	Kanki	Mandu	47	Hazaribagh	50.19	20.32	Part

Total area : 1727.60 acres(approximately)
or 699.44 hectares (approximately)

Boundary description:

- A-B-C-D Line starts from 'A' passes through part of the village of Kura, Rikba, Khapia and Kanki and meets at point 'D'.
- D-E-F Line passes through part of village Kanki Khapia and meets at point 'F'.
- F-G-H-I Line passes through part of village Khapia, Kura, Rikba and meets at point 'T'.
- I-A Line passes through part of village Khapia, Kura and meets at starting point 'A'.

[F.No. 43015/9/2014-PRIW-I]

DOMINIC DUNG DUNG, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3078.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 86/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/105/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th November, 2014

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/105/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI,
Presiding Officer

Dated the 7th August, 2014

INDUSTRIAL DISPUTE No. 86/2013**Between:**

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231

....Respondent

Appearances:

For the Petitioner: Nil

For the Respondent: Nil

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/105/2013-IR(CM-II) dated 5/9/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Shri Bandi Shankar, Ex-Coal Filler, KK-5 Inc., SCCo Ltd., Mandamarri Area with effect from 28.08.1999 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 86/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidenceWitnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3079.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 42/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/8/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/8/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi, Presiding Officer

Dated : The 9th September, 2014

INDUSTRIAL DISPUTE No. I.D. 42/2013

Between:

The President,
(Sri Bandari Satyanarayana)
Telangana Trade Union Council
H.No. 5-295, Indira Nagar,
Opp. Bus Stand, Mancherial,
Adilabad Dist.-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri,
Adilabad Dist.-504231 Respondent

Appearances:

For the Petitioner: Party in person

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi P., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/8/2013-IR(CM-II) dated 3.4.2013 referred the following dispute between the management of M/s. Singareni Collieries Company Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is :

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating

the services of Shri Komma Ramulu, Ex-Coal Filler, Shantikhani, Mandamarri Area with effect from 18.06.2005 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 42/2013 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. In spite of giving fair opportunity Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3080.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 28/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/244/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/244/2012-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present :** Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 9th day of September, 2014

INDUSTRIAL DISPUTE No. 28/2013**Between:**The President,
(Bandari Satyanarayana)
Telangana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner**AND**The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231Respondent**Appearances:**For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/244/2012-IR(CM-II) dated 19/9/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is :

SCHEDULE

"Whether the action of Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Shri Jogula Satyanarayana, Ex-Coal Filler, KK-5 Inc., Mandamarri Area with effect from 16.09.2003 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 28/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair opportunity, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 80/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/200/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/200/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present :** Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 13th August, 2014

INDUSTRIAL DISPUTE No. 80/2012**Between:**

The President, (Bhandari Satyanarayana) Telangana Trade Union Council (TNTUC) H.No. 5-295, Indiranagar, Opp. Bus Stand, Mancherial, Adilabad-504208 Petitioner
--	-----------------

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur,
Adilabad District-504303Respondent

Appearances:

For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/200/2012-IR(CM-II) dated 30/11/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is :

SCHEDULE

"Whether the action of Chief General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Sreerampur, Adilabad Dist., in terminating the services of Shri Gogu Pentaji, Ex-Coal Filler, Chennur-2 Inc., SCCL Sreerampur Area with effect from 28.04.2004 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 80/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair opportunity, again and again Petitioner is not taking any interest in the proceeding and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3082.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 79/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/201/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/201/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated : the 13th day of August, 2014

INDUSTRIAL DISPUTE No. 79/2012

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council (TNTUC)
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur,
Adilabad District-504303Respondent

Appearances:

For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi P., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/201/2012-IR(CM-II) dated 30/11/2012

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Sreerampur, Adilabad Dist., in terminating the services of Shri Kalluri Shankaraiah, Ex-Coal Filler, Chennur-1 & IA Inc., SCCL Sreerampur Area with effect from 25.01.2001 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 79/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, again and again Petitioner is not taking any interest in the proceeding and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3083.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 37/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/101/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 37/2012 of the Cent. Govt. Indus, Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/101/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 37/2012

Between:

The President, (Bhandari Satyanarayana) Telengana Trade Union Council H.No. 5-295, Indiranagar, Opp. Bus Stand, Mancherial, Adilabad-504208 Petitioner
AND	

The General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad District-504292Respondent
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Appearances:

For the Petitioner:	Party in person.
For the Respondent:	M/s. P.A.V.V.S. Sarma & Vjaya Laxmi Panguluri, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/101/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Ippa Rayamallu, Ex-Badli Filler, MVK-5 Inc., SCCL Bellampalli Area with effect from 28.03.1995 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 37/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3084.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 36/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/99/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/99/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 36/2012

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/99/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Avunoori Thirupathi, Ex-Badli Filler, Goleti-1 Inc., SCCL Bellampalli Area with effect from 7.12.1999 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 36/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3085.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 35/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/98/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/98/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 35/2012**Between:**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,

Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/98/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Bandari Rayalingu, Ex-Badli Filler, Goleti-1 Inc., SCCL Bellampalli Area with effect from 08.01.2000 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 35/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

AWARD

का.आ. 3086.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 34/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/103/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/103/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 34/2012**Between:**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherla,
Adilabad-504208

.... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292

....Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

The Government of India, Ministry of Labour by its order No. L-22012/103/2012-IR(CM-II) dated 12/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Mancherla Chandraiah, Ex-Coal Filler, MVK-5 Inc., SCCL Bellampalli Area with effect from 04.10.2001 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 34/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidenceWitnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3087.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं. 4/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/155/2011-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 4/2012 of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of M/s Neyveli Lignite Corporation Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/155/2011-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT CHENNAI

Wednesday, the 12th November 2014

Present : K.P. PRASANNA KUMARI,
Presiding Officer

INDUSTRIAL DISPUTE No. 4/2012

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation and their workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
NLC Workers Solidarity
Union A-2, Screw Lane,
Block-11 Neyveli-607803

And

The Director/HR : 2nd Party/Respondent
Neyveli Lignite
Corporation Ltd.
Corporate Office
Neyveli-607801

Appearance:

For the 1st Party/Petitioner : M/s R. Prabhakaran,
Union Advocates

for the 2nd Party/Repondent: M/s T.S. Gopalan, & Co.,
Advocate

AWARD

The Central Government Ministry of Labour & Employment vide its Order No. L-22012/155/2011-IR (CM-II) dated 11.01.2012 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is;

"Whether the action of the management of NLC Ltd. in removing from the rolls the name of Sri M.

Selvaraj, Senior Technician Grade-I, Employee No. 31648 is legal and justified? To what relief the concerned workman is entitled to?

2. On receipt of the Industrial Dispute thiis Tribunal has numbered it is ID 4/2012 and issued notice to both side. Both sides have entered appearance through their counsel and filed Claim and Counter Statement respectively.

3. The case was being posted for enquiry repeatedly. However, the petitioner has not been willing to proceed with the enquiry. Neither the petitioner nor the counsel hav been appearing before the Court. In spite of repeated postponements the petitioner has not appeared before the Court to tender evidence. Not material is available before this Court to justify the case of the petitioner. So the reference is to be answered against him.

4. For the foregoing reasons, the reference is answered against the petitioner.

An award is passed accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined :

For the 1st Part/Petitioner Union : None

For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
		Nil

On the Management's side

Ex.No.	Date	Description
		Nil

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3088.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 19/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/180/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 19/2014 of the Cent. Govt. Indus, Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/180/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI,
Presiding Officer

Dated the 16th September, 2014

INDUSTRIAL DISPUTE No. 19/2012

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade
Union Council
H. No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208.

....Petitioner

And

The General Manager
M/s. Singareni Collieries
Company Ltd.,
Mandamarri Area,
Mandamarri, Adilabad
District-504231.

....Respondent

Appearances:

For the Petitioner : Party in person

For the Respondent: Party in person

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/180/2013-IR(CM-II) dated 28.1.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Salluri Rayaposham, Ex-Coal Filler, KK-5A Inc., Mandamarri Area with effect from 31.3.1997 is justified? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 19/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3089.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एस.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय न० 2, धन्बाद के पंचाट (संदर्भ संख्या 47/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 42012/80/2004-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 47/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Central Silk Board, and their workmen, received by the Central Government on 27/11/2014.

[No. L-42012/80/2004 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 47 OF 2005.

PARTIES : Sh. Shiv Shankar Pandey,
Village & PO : Kathi Kund,
Dist : Dumka

Vs.

The Asstt. Director,
Central Silk Board, Kathi Kunda,
Dist; Dumka (Jharkhand).

Ministry's Order No L-42012/80/2004-IR (CM-II)
dt. 04.04.2005

APPEARANCES :

On behalf of the workman/Union : Mr. U. N. Lal
Ld. Advocate

On behalf of the Management : Mr. N. N. Sinha,
Ld. Advocate

State : Jharkhand Industry : Textile Industry

Dated, Dhanbad, the 20th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on then under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-42012 /80/2004-IR (CM-II) dt.04.04.2005.

SCHEDULE

"Whether the action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organization, Kathi Kunda, Dumka (Jharkhand) in terminating the services of Shri Shiv Shankar Pandey, Casual Labour without complying the provisions of ID. Act is legal and justified? If not, to what relief the workman is entitled?"

On receipt of the Order No L-42012 /80/2004-IR (CM-II) dt. 04.04.2005 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 47 of 2005 was registered on 26.04.2005 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of Sri Shiv Shankar Pandey is that he had been working as the Night Guard at the Basic Seed, Multiplication & Training Centre, Kathikund in Dumka under the Central Tasar Research & Training Centre, Kathikunda in Dumka under the Central Tasar Research & Training Institute, Central Silk Board, Government of India, from 1.10.1982 to 15.8.1985. In course of service, he had fallen sick so he had been under treatment of the Medical Officer, which was time to time intimated of his physical condition to the Asst. Director, Central Silk Board, Kathikunda, Dumka. The Management assured him of resumption of his duty on recovery. But on 24.8.2001 when he had gone to the Asst. Director for resumption of his duty on declaration of fitness, he was not allowed to do so, and was informed of his termination of the service without giving any opportunity as per the provision of the I.D. Act., 1947. Finally, he raised the Industrial Dispute before the A.L.C.(C), Patna but its failure in conciliation on 27.3.2004 due to adamant attitude of the Management resulted in the reference for the adjudication. He had also filed a Writ petition before the Hon'ble Patna High Court, Patna for getting the matter entrusted to the CGIT for adjudication. The action of the Management in terminating his employment is not just and reasonable.

The workmen in his rejoinder has specifically denied all the allegations as incorrect, further alleging that he had been engaged for a pretty long time ; so after completion of 240 days work, he had the claim for regularization/further engagement for livelihood.

3. Whereas having categorically denied the allegations of the workman, the O.P./Management has challenged the maintainability of the Industrial dispute as no I.D. under of Sec.2A of the Act, stating that the person is not an employee of the Central Silk Board, Kathikund, Dumka, as he was never appointed in any capacity by B.S.M.S.T.C., B.T.S.S.O. Central Silk Board, Kathikunda, Dumka (Jharkhand), At any vacancy except in casual for any post in the office of the Management, it is filled as per the recruitment prescribed rules/regulations of the Government of India, under which no branch of Silk Board is empowered to appoint any person in the employment. So no question arises either for his regularization in service or in his termination. At times, the O.P./Management had casually employed some casual labourers as daily wages for 30 to 35 days as whenever required for safety of silk worms against the insects and pests predators during the rearing period of the silk worms. The Silk Board has no rule to regularize any casual /daily rated person in the service.

In their rejoinder as well, the O.P./Management has categorically denied all the allegations of the person concerned as baseless and absurd in particular about his treatment for Malaria for 16 years from 14.11.1984 to 20.8.2001 just as his alleged fitness for resumption of duty on 24.8.2001. It also falsifies the claim for his regular

working from 1.10.1982 to 15.8.1985. The person concerned is not entitled to any relief whatsoever.

FINDING WITH REASONS

4. In the instant case, WWI Shiv Shankar Pandey as the workman himself, and MWI Suraj Pal, the Scientist, and MW2 Kishore Kumar Sharma, for the O.P./Management have been examined respectively.

From the perusal of the materials on the case record, it appears the fact beyond the dispute that the workman was a daily wager who worked as the night Guard for the period 01.10.1982 to 15.8.1985 during which he never worked for 30 days in any month. He was neither a temporary workman nor a permanent one. He was not dismissed.

Mr. U.N.Lal, Larned Advocate for the workman submits that the workman was a casual worker for the relevant period but due to his suffering from Malaria as apparent from his medical treatment for 15 years (Extt. W.1 Series) he had been under medical treatment all along intimating of it to the Management. On his recovery, when he went to resume his duty, he was not allowed to do so, thus he is entitled to reinstatement.

Whereas Mr. N.N. Sinha, Ld. Advocat for the O.P./Management has vociferously contended that the workman was never an employee of the O.P./Management, so no question arises as to his retrenchment, as he was out and out a casual seasonal work for the period 1982 to 1985 and thereafter his long absence for malaria stopped him to be a casual worker, so he deserves no relief whatsoever.

In view of the aforesaid facts, I find that the workman was total a seasonal casual daily wager for temporary relevant period; thus he was never a regular worker during the period concerned. The fact of termination does not apply to a casual labour like the instant workman who has never been in continuous service for 240 days during a period of twelve calendar months preceding the date with the present reference as laid down under Sec., 25. of the Industrial Dispute Act 1947. The case of the workman has no merits whatsoever.

5. In result, it is hereby responded, and accordingly awarded that since workman Shiv Shankar Pandey as a casual labour had not been in continuous service for requisite period of 240 days in twelve months of the calendar year preceding the date of the reference, no question arises as to the alleged action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organization Central Silk Board, Kahikunda, Dumka (Jharkhand) to terminate the alleged service of the work, nor it arises whether it is legal and justified. Hence, the workman is not at all entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3090.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 10/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/164/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/164/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 10/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/164/2013-IR(CM-II) dated 9/12/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Nagula Venkataswamy, Ex-Coal Filler, Goleti-2 Inc., SCCL, Bellampalli Area with effect from 9.1.1997 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 10/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3091.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 9/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/163/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/163/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 9/2014

BETWEEN :

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherla,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri-504231
Adilabad District

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/163/2013-IR(CM-II) dated 9/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Enagandula Ankaiah, Ex- Badli Filler, MK-4 Inc., Mandamarri Area, with effect from 23.3.1998 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 9/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL	NIL
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Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3092.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 7/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/166/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/166/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 7/2014

BETWEEN :

The President, (Bhandari Satyanarayana) Telengana Trade Union Council H.No.5-295, Indiranagar, Opp. Bus Stand, Mancherla, Adilabad - 504208Petitioner
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AND

The General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad District-504292.Respondent
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APPEARANCES :

For the Petitioner :	NIL
For the Respondent :	Sri V. S. V. S. R. K. S. Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/166/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Penukula Chandraiah, Ex- General Mazdoor, MVK-5 Inc., SCCo Ltd., Bellampalli Area, with effect from 20.10.1996 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 7/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 8/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/167/2013-आई. आर. (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/167/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 8/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/167/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Mohammad Jani, Ex-Coal Filler, MVK-6 Inc., SCCo Ltd., Bellampalli Area, with effect from 10.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 8/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3094.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 5/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/169/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/169/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 5/2014

BETWEEN :

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/169/2013-IR(CM-II) dated 17/12/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Samudrala Shankar, Ex-Coal Filler, SMG-1 Inc., Mandamarri Area, with effect from 5.4.1999 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 5/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 6/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/168/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3095.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 6/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/168/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 6/2014

BETWEEN

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/168/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Shri Banoth Devudu, Ex-Badli Filler, Goleti 2 Inc., SCCo Ltd., Bellampalli Area with effect from 29.1.1997 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 6/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the

notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 4/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/162/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3096.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/162/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 4/2014

BETWEEN

The President,
(Bhandari Satyanarayana)

Telangana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/162/2013-IR(CM-II) dated 9/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Abdul Rahman, Ex-Badli Filler, MK-5A Inc., Mandamarri Area, with effect from 9.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 4/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 150/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/24/1999-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 150/1999) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s Nimcha Colliery, Satgram Coalfields Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/24/1999-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: SRI PRAMOD KUMAR MISHRA,
Presiding Officer

REFERENCE NO. 150 OF 1999

PARTIES: The management of Nimcha Colliery, Satgram Coalfields Ltd., ECL.

Vs.

Sri Sitaram Nonia

REPRESENTATIVES :

For the management: Shri P. K. Goswami, Ld. Advocate,
ECL

For the union (Workman): Shri Rakesh Kumar, Gen. Secy.,
KMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 11.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter NO. L-22012/24/99/IR(CM-II) dated 31.08.1999 / 08.09.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Nimcha Colliery, Satgram Coalfields Ltd. by forcefully superannuating Sh. Sitaram Nonia, Wagon Loader on 02.03.1997 and not considering the mid point of the age assessed by the Apex Medical Board on 13.02.1998 is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order NO. L-22012/24/99/IR (CM-II) dated 31.08.1999 / 08.09.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 150 of 1999 was registered on 23.09.1999 / 08.10.2001 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri Rakesh Kumar, representative of the union appears and submits that the case may be closed as the union/workman does not want to proceed with the case further. None appears on behalf of the management. Since the union/workman does not want to proceed with the case further and the reference is too old. I think it wise to close the case. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 3/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/158/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/158/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 3/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township, (P.O.)
Adilabad District-504292.

....Respondent

APPEARANCES :

For the Petitioner : Party in person

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/158/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Kanukula Ravinder, Ex-Coal Filler, Goleti-2 Inc., SCC Ltd., Bellampalli Area with effect from 21.1.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 3/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 2/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/161/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/161/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 2/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.)
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/161/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Pochapalli Yellaiah, Ex-Timberman, Goleti-1 Inc., SCC Ltd., Bellampalli Area with effect from 5.6.2004 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 2/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 1/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/156/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/156/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 1/2014**BETWEEN**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Party in person

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/156/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Salluri Rayaposham, Ex-Coal Filler, KK-5A Inc., Mandamarri Area with effect from 31.3.1997 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 1/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल.

के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 105/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/160/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/160/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 105/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/160/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between

the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Ramchetty Posham, Ex-Coal Filler, MVK-1 Inc., SCC Ltd., Bellampalli Area with effect from 11.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 105/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 103/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 22012/157/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 103/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/157/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 103/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/157/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Pudari Lochagoud, Ex-Coal Filler, MVK-5 Inc., SCC Ltd., Bellampalli Area with effect from 5.1.1995 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 103/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. Inspite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 102/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 22012/150/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/150/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 102/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherla,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/150/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Katepally Shankar, Ex-Coal Filler, Goleti-1 Inc., SCC Ltd., Bellampalli Area with effect from 5.4.2005 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 102/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 16/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/187/2004-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Lacchipur Colliery, M/s Eastern Coalfields Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/187/2004-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
ASANSOL**

Present : Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE No. 16 of 2005

PARTIES : The management of Lacchipur Colliery under Kajora Area, ECL

Vs.

Late Ramnath Mahato

REPRESENTATIVES :

For the management : Sri P. K. Das, Ld. Advocate

For the Union (Workman) : Sri Rakesh Kumar, General Secretary

Industry : Coal State :- West Bengal

Dated :- 10.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/187/2004-IR(CM-II) dated 30.03.2005 has been

pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Lacchipur Colliery, Kajora Area of M/s. Eastern Coalfields Limited in not providing employment to the dependent of Late Ramnath Mahto, Winding Engine Operator, U.M. No.568592 is legal and justified? If not, to what relief the dependent of the deceased workman is entitled?"

Having received the Order NO. L-22012/187/2004-IR(CM-II) dated 30.03.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 16 of 2005 was registered on 12.04.2005. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

Dependent of workman Sri Vinod Kumar Mahto has stated in written statement that Late Ramnath Mahato ex-Winding Engine Operator was a permanent employee of the company, posted at Lacchipur Colliery under Kajora Area of ECL who died while he was in service. As per provision of wage agreement / NCWA VI one of the dependent of deceased employee is entitled for employment. Accordingly wife of deceased employee claimed for employment to her son-in-law Sri Vinod Kumar Mahto. Wife of deceased employee have no male issue. She is not willing to join in lieu of her late husband because of her old age and her illness. She has no objection for providing employment to her son-in-law. All necessary required documents are submitted to the management for providing employment to dependent son-in-law. Management of the colliery processed the proposal and after screening at colliery level sent the file to Kajora Area office. At Kajora Area office also screening was done. After medical examination at Area Hospital employment proposal was sent to ECL Head Quarter, which is still lying pending. Sri Vinod Kumar Mahto is not having any other source of income. He was fully dependent on earnings of his father-in-law and he was residing with his father in law because Late Ramnath Mahato was not having son. Late Ramnath Mahato has only two daughters. The management provides employment to hundreds of cases earlier even now dependents are joining duty. The management of ECL neither regretted the employment proposal not provided employment to the dependent till date. Dependent son-in-law of Late Ramnath Mahato is entitled to get the

employment. It has been prayed Sri Vinod Kumar Mahato, the dependent son in law of Late Ramnath Mahato should be provided employment from the date of his application for employment and till such time the wife of Late Ramnath Mahato should be paid maintenance allowance to maintain her livelihood with all other consequential benefits.

The then Presiding Officer has provided more than 20 opportunities to file written statement but even then management has not field any written statement.

Union on behalf of workman has filed 15 photo copies of documents. Management has not filed any documents. Union has filed affidavit of Smt. Dhanmati Devi wife of Late Ramnath Mahato, ex-Winding Engine Operator, Sri Vinod Kumar Mahto son-in-law of Late Ramnath Mahato. Management has not filed any affidavit.

I have heard the argument of Sri Rakesh Kumar on behalf of the union/workman and Sri P. K. Das Ld. Advocate on behalf of the management.

Sri P. K. Das Ld. Adv. on behalf of the management has argued that appointment on compassionate ground can not be claimed as a matter of right. Now married daughter is also entitled for employment. Therefore when married daughter is entitled for employment then son-in-law of late Ramnath Mahato is not entitled for employment. He has place reliance on case laws; MGB Gramin Bank Vs. Chakrawarti Singh, 2013 (139) FLR 469, S.C. & State of Gujrat and others Vs. Arvindkumar T. Tiwari and another, 2012 (135) FLR 560, S.C. On other hand Sri. Rakesh Kumar has argued those case law are not applicable for present reference. Sri Vinod Kumar Mahto being dependent son-in-law is eligible for employment. He resides in the house of his deceased father-in-law Late Ramnath Mahato.

The copy of letter of Agent of Lacchipur Colliery addressed to ALC(C), Raniganj has been filed by the union. Again Lacchipur Colliery has admitted that Late Ramnath Mahato U.M. No. 568592 was Winding Engine Operator who expired on 11.02.2002. He has also admitted that employment proposal in respect of Sri Vinod Kumar Mahto, son-in-law of Late Ramnath Mahato is pending for finalization. Death Certificate paper No. W.E.-I & W.E.-II has been filed by the union. It is clear from these that Late Ramnath Mahato has expired on 11.02.2002 in Central Hospital, Kalla, ECL. Union has filed letter of Smt. Dhanmati Devi wife of Late Ramnath Mahato requesting employment to her son-in-law Sri Vinod Kumar Mahto in lieu of job of her deceased husband. She is facing financial crisis. The copy of letter of Sri Vinod Kumar Mahto is addressed to management of Lacchipur Colliery, ECL has been filed in which Sri Vinod Kumar Mahto has requested to provide employment in lieu of job of his father-in-law Late Ramnath Mahato. Sri Binod Kumar Mahto is son-in-law and dependent of Late Ramnath Mahato, this has been certified by 'Khand

Bikash Adhikari' and member of Bidhan Sabha, copy of this certificate has been filed. The marriage registration certificate has been issued by Registrar Hindu Marriage, dist: Burdwan. It is apparent from this documents Sri Vinod Kumar Mahto son of Sri Ram Udit Mahato has been married to Smt. Kalyani Devi daughter of Late Ramnath Mahato. The copy of letter of Smt Rinku Devi, second daughter of Late Ramnath Mahato has been filed. Smt. Rinku Devi has no objection in providing job to Sir Vinod Kumar Mahto son-in-law of Late Ramnath Mahato. Smt. Dhanmati Devi by affidavit has supported the facts contained in the written statement. Sri Vinod Kumar Mahto and Smt. Kalyani Devi wife of Sri Vinod Kumar Mahto and daughter of Late Sri Ramnath Mahato stated in their affidavit that Sri Vinod Kumar Mahto has no other source of income. He has to look after his mother-in-law. Sri Vinod Kumar Mahto resides in the house of Smt. Dhanmati Devi as 'Ghar Jamai'. This witness has been cross-examined. In cross-examination they also supported the facts stated in affidavit. Union has filed the Xerox copy Voter ID cards of Sri Vinod Kumar Mahto, Smt. Kalyani Devi and Smt. Dhanmati Devi, addresses of these three persons are same in all the Voter ID cards.

NCWA VI settlement is an agreement between the union and management of Eastern Coalfields Limited. As per rule 9.3.3 the dependent son-in-law residing with late employee Sri Ramnath Mahato and almost wholly dependent on the earning of the employee may be considered for employment.

Section 2 (p) of Industrial Dispute Act, 1947, settlement has been defined:

" 'Settlement' means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to [an officer authorized in this behalf by the appropriate Government and the conciliation officer; (Ins. by Act 35 of 1965)]."

Section 18 of Industrial Dispute Act, 1947 provides:

"A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement (Ins. by Act 36 of 1956, S.13 (w.e.f. 07.10.1956))."

Hon'ble Kerala High Court in The Indian Rare Earths Ltd., Mumbai and another Vs. Jayabindu, 2014 LAB. I.C. 452, has observed that entitlement on compassionate ground has to be considered as per schemes available as on date of submission of applications. The settlement is effective before the death of the deceased workman. Therefore in view of the hon'ble Kerala High Court, Sri Vinod Kumar Mahto dependent son-in-law of Late Ramnath Mahato is entitled for employment in lieu of

employment of Late Ramnath Mahato as per NCWA VI settlement.

State of Gujrat and others Vs. Arvindkumar T. Tiwari and another, 2012 (135) FLR 560, S.C. The facts of this case is that in this case son of deceased Asst. Sub-Inspector applied for employment in Police department on compassionate ground for the post of peon. But he was not qualified for the post.

I am in respectful agreement with the proposition of law laid down by the hon'ble Supreme Court. But the fact of this reference case is different. This reference is under section 10 of Industrial Dispute Act., 1947. Moreover there is specific settlement between management and union regarding employment of deceased workman.

MGB Gramin Bank Vs. Chakrawarti Singh, 2013(139) FLR 469, S.C. The hon'ble Supreme Court has observed that appointment on compassionate ground may not be claimed as matter of right. It depends on various other circumstances. A candidate cannot claim that his case is to be considered as per the scheme existing on the date the cause of action had arisen. Respondent may apply for consideration of his case under the new scheme. In this case father of the respondent was working as Class III employee with the appellant bank died on 19.04.2006 while in harness. The respondent applied for compassionate employment on 12.05.2006. During the pendency of the application a new scheme dated 12.06.2006 was introduced w.e.f. 06.10.2006. Clause 14 provides that application pending on the date of commencement of the scheme shall be considered for grant of ex-gratia payment to the family instead of compassionate employment. The hon'ble Supreme Court held that case under new scheme would be considered.

I am in respectful agreement with the law propounded by hon'ble Supreme Court but the facts of this reference case are different. In the present reference case the Wage Agreement NCWA VI settled between the management and the union does not provide any ex-gratia payment.

In view of discussion above, I come to the conclusion that the action of the management of Lacchipur Colliery under Kajora Area of M/s. ECL in not providing employment to Sri Vinod Kumar Mahto dependent and son-in-law of Late Ramnath Mahato, Engine Operator is illegal and unjustified.

Management of Lacchipur Colliery, Kajora Area of M/s. ECL is directed to provide employment to Sri Vinod Kumar Mahto, the dependent and son son-in-law of Late Ramnath Mahato, in lieu of job of Late Ramnath Mahato within 2 months from the notification.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 95/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/104/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 95/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/104/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 95/2013

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208.

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504 231.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/104/2013-IR(CM-II) dated 3/9/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Bukya Swamy, Ex-Coal Filler, KK-5 Inc., SCCo Ltd., Mandamarri Area, SCCo Ltd., Mandamarri Area with effect from 5.3.2001 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No.95/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined
Petitioner

NIL

Witnesses examined
for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 42/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/141/2004-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 42/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Ningah Group of Mines of M/s. Eastern Coalfields Ltd. and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/141/2004 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE No. 42 OF 2005

PARTIES: The management of Ningah Colliery, ECL.

Vs.

Sri Shyam Behari Singh

REPRESENTATIVES:

For the management: Shri P. K. Goswami, Ld. Advocate

For the union (Workman): Shri J. P. Gupta, Ld. Advocate

Industry : Coal State : West Bengal

Dated : 7.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/141/2004-IR(CM-II) dated 17.05.2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

'Whether the action of the management of Ningah Colliery under Sripur Area of M/s. ECL in dismissing Shri Shyam Behari Singh, Security Sub-Inspector w.e.f. 24/24.11.2001 is legal and justified? If not, to what relief the workman is entitled and from which date?'

Having received the Order NO. L-22012/141/2004-IR(CM-II) dated 17.05.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 42 of 2005 was registered on 31.05.2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents

and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that my predecessor (Late Jayanta Kumar Sen, the then Presiding Officer) had reserved an award in this case because the workman neither appeared nor took any step after 03.08.2010. It seems that the workman is now not interested to proceed with the case further. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/317/2000-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.27/2001 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Jambad Colliery of M/s ECL and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/317/2000 - IR (CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri PRAMOD KUMAR MISHRA, Presiding Officer

REFERENCE No. 27 OF 2001

PARTIES :

The management of Jambad Colliery under Kajora Area, ECL

Vs.

Sri Keshar Bhuia

REPRESENTATIVES:

For the management : Sri P. K. Das, Ld.
Advocate

For the union (Workman) : Sri S. K. Pandey,
General Secretary

Industry : Coal State : West Bengal

Dated : 12.11.2014

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/317/2000-IR(C-II) dated 08.08.2001 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Jambad Colliery of M/s. ECL in dismissing Sh. Keshar Bhuia, Underground Loader from services vide order dated 18.01.2000 is legal and justified? If not, to what relief Sh. Keshar Bhuia is entitled to?"

Having received the Order No. L-22012/317/2000-IR(C-II) dated 08.08.2001 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 27 of 2001 was registered on 10.09.2001. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

In brief the worker has stated in his written statement that worker, Sri Keshar Bhuia was permanent workman of ECL. He was posted at Jambad Colliery of M/s. ECL as Underground Loader. Sri Keshar Bhuia due to his illness could not attend his duty from 01.04.1999 to 06.07.1999. Being medically fit he reported for duty but he was not allowed to resume his duty by the management. He was informed that a charge sheet had been issued against him and as such he could not be permitted to join his duty. The workman was never served with any charge sheet. The workman was undergoing treatment for his illness at Bahadurpur P.C.H. After being declared fit when he reported for duty he was informed for the first time regarding issuance of any charge sheet against him.

During his sickness he informed the management twice for his absence by sending letters under certificate of posting. The workman was never served with any notice of enquiry. He was not afforded any opportunity to defend himself. The management dismissed the service of the workman for absence of only 3 months. Since, dismissing authority was not appointing authority therefore dismissing authority was not vested with the power to pass dismissal order. The workman belongs to S.C. Community. The reasons for absent is sufficient therefore dismissal order is bad in eyes of law and required to be set-aside. Quantum of punishment is very harsh. That deserves to be set-aside and the workman be reinstated with full back wages and all incidental benefits.

The management has stated in his written statement that reference is bad in eyes of law. The worker Sri Keshar Bhuia was absent from his duty from 01.04.1999 without any prior permission or authorized leave. The workman Sri Keshar Bhuia is Ex-Underground Loader. The workman Sri Keshar Bhuia was charge sheeted vide charge sheet No. ECL/JC/C-6/P&IR/99-00/5B/01 dated 06.07.1999. The Ex-workman failed to submit any satisfactory explanation to the charge leveled against him. Therefore domestic enquiry was conducted in the charge sheet by the enquiry officer. The notice of enquiry was sent to the Ex-workman by registered post with A/D at his home address and it was duly served. But as the Ex-workman failed to appear in the enquiry and as such enquiry proceeding was held ex-parte. The Enquiry Officer after conclusion of the enquiry proceeding held the workman to be guilty to the charges of misconduct. The management issued 2nd show cause notice vide reference no. KA/PM/C-6/10/3780/58 dated 28.12.1999/03.01.2000. But it was un-replied. The disciplinary authority after careful consideration of enquiry finding, enquiry proceeding and other connected papers, passed the dismissal order on 18.01.2000. The dismissal order was in accordance with the gravity of misconduct committed by Ex-workman which was duly established in the enquiry proceeding. The punishment awarded to the Ex-workman is justified and proportionate. It is denied that the Ex-workman was ever sick or that he ever intimated to the management about his alleged sickness. Ex-workman is not entitled for setting aside the dismissal order.

Worker has submitted the dismissal order KAPM/C-6/10/4016/399 dated 18.01.2000. The management has not submitted any documentary evidence. The worker Sri Keshar Bhuia has filed affidavit in oral evidence. Management has not filed any affidavit in their support.

I have heard the argument of Sri S. K. Pandey on behalf of the union/workman and Sri P. K. Das Learned Advocate on behalf of the management.

It is admitted fact that before dismissal Sri Keshar Bhuia was underground Loader, a permanent employee

in Jambad Colliery of M/s. ECL. It is not disputed that the workman was absent from his duty from 01.04.1999 to 06.07.1999.

It is the case of management that Sri Keshar Bhuia, workman was absent from 01.04.1999 to 06.07.1999 without any prior permission or authorized leave, therefore workman was charge sheeted vide charge sheet No. ECL/JC/C-6/P&IR/99-00/5B/01 dated 06.07.1999. The workman after issuance of notice did not appear, therefore enquiry proceeding was held ex-parte. After second notice the competent authority passed the dismissal order. On other hand workman Sri Keshar Bhuia was absent from duty due to his illness. As per written statement of the workman he informed the management regarding his illness. Workman has not submitted any medical report or registered notice regarding of his illness. But even if, it is presumed that workman was not sick and his absence from duty was unauthorized. Even then in enquiry proceeding he ought to have been given opportunity to defend himself. More so when workman has challenged the enquiry proceeding.

The management ought to have submitted the order regarding appointing enquiry officer, copy of enquiry report, copy of enquiry proceeding and finding of enquiry officer along with copy of notices sent to the workman. There is no piece of evidence on the record, on basis of which tribunal may come to the conclusion that notice was sent to the workman and it was actually served. The workman in his affidavit has stated that he was not issued any chargesheet. He was not given any opportunity to defend himself. He was compelled to remain absent w.e.f. 01.04.1999 to 06.07.1999 due to his sickness. He has been cross-examined by the management.

Domestic enquiry in Industrial Law has acquired great significance. Industrial adjudication attaches considerably importance to such enquiry. In number of cases, the hon'ble Supreme Court has observed that an enquiry is not an empty formality, but an essential condition to the legality of the disciplinary order. In other words before the delinquent workmen can be dismissed for misconduct, the employer shall hold a fair and regular enquiry into the misconduct. Dismissal without holding a regular enquiry would be an illegality. It is well settled that disciplinary enquiry has to be a quasi-judicial enquiry. It should be held according to principles of natural justice and Enquiry Officer has a duty to act judicially because the charges of misconduct, if proved, will result not only in deprivation of livelihood of the workman, but also attach stigma to his character.

In dealing with domestic enquiries held in industrial matters, the fact that the large majority of cases employees are likely to be illiterate and ignorant, should be borne in mind. The Enquiry Officer has to take care in the facts and circumstances of such case that the defence of the workman is not prejudiced in any manner. The rules of natural justice require that the workman proceeded

against, should be informed clearly of the charges leveled against him, witness should be examined in his presence. The workman should be given a fair opportunity to examine witness, in support of his defence.

Unfair or wrongful discharge or dismissal of industrial workmen as a measure of disciplinary action is one of the major causes of industrial dispute though the employers have always regarded the right of disciplinary action as a concomitant to the efficient attainment of the objectives of industrial activity. On the other hand, the workers and their unions have tended to regard protection from arbitrary or unjustified disciplinary action as one of the most important functions of the trade union activity.

In all cases of detrimental action taken against a worker, for misconduct, the employer has to establish whether the action was taken for "Just and sufficient reasons". An industrial worker is always entitled to question the property and justice of punitive or detrimental action taken against him.

In view of the discussion above the punishment of dismissal for absence of near about 3 months under compelling circumstance and without any malafied intention is not just and proper, rather it is too harsh a punishment which is totally disproportionate to the alleged proven misconduct. Besides this as per direction of the Hon'ble Apex Court No. 2nd show cause notice before imposing the punishment of dismissal has been issued to the workman concerned, which is the violation of the directives of the Hon'ble Apex Court and the principle of natural justice as well.

In *Kendriya Vidyalaya Sangathan Vs. S. C. Sharma*, AIR 2005, S.C., page No. 768, the hon'ble Supreme Court has held when the question of determining the entitlement of a person for back wages is concerned, the employee has to show that he was not gainfully implied. The initial burden is on him. The worker Sri Keshar Bhuia in his affidavit has stated that he was unemployed and without any job. He has no other source of income. Management has not disputed this fact that during period of dismissal Sri Keshar Bhuia was not employed anywhere. So workman Sri Keshar Bhuia was entitled for back wages. But it is worthwhile to mention the dismissal order is passed on 18.01.2000. Awarding full back wages appears to be unreasonable, workman will get a huge amount just sitting idle. Therefore it appears to be just and proper that the workman Sri Keshar Bhuia be awarded only 20% of his back wages.

In view of this matter I think it just and proper to modify and substitute the same by exercising the power u/s 11(a) of Industrial Dispute Act, 1947. In order to meet the ends of justice the impugned order of dismissal is set-aside and he is to be reinstated with continuity of service. I think it appropriate that the delinquent workman be imposed a punishment of stoppage of 2 increments without any cumulative effect. It is further directed that

the workman concerned will be entitled to get only 20% of the back wages.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुरगुजा क्षेत्रीय ग्रामीण बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट संदर्भ संख्या (325/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था।

[सं. एल-12011/23/99-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 325/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management Surguja Kshetriya Gramin Bank, and their workmen, received by the Central Government on 18/11/2014.

[No. L-12011/23/99-IR (B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/325/99

PRESIDING OFFICER: SHRI R. B. PATLE

The President,
Surguja Kshetriya Gramin Bank Karmchari Sangh,
Kumar Complex,
Mahamaya Chowk, PO Ambikapur,
Distt. Surguja (MP)Workman/Union

Versus

The Chairman,
Surguja Kshetriya Gramin Bank,
Kumar Complex,
Mahamaya Chowk, PO Ambikapur,
Distt. Surguja (MP)Management

AWARD

(Passed on this 23rd day of September, 2014)

1. As per letter dated 11-11-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/23/99/IR(B-I). The dispute under reference relates to:

"Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya Chowk, Ambikapur, Distt. Surguja (MP) in

(1) In not making payment of N.I.T arrears upto 1-9-97 equivalent to State Govt.

(2) Withholding the increment in respect of Shri Satyavrat Hari without conducting enquiry,.

(3) Not regularizing the services of Shri Mohanlal and Shri Ramswaroop, temporary messenger after the completion of 240 days.

are legal and justified? If not, to what relief the concerned Bank employees are entitled for?"

2. After receiving reference, notices were issued to the parties. Present reference relates to denial of payment of arrears till 1-9-87 equivalent to State Govt. (2) withholding increments of Shri Satyavrat Hari. Denial of regularisation of services of Mohanlal and Ramswaroop temporary messengers. Employees Union submitted statement of claim at Page 3/1 to 3/7. Case of Ist party Union is that IInd party is industry under I.D.Act. Ist party union served charger of demands along with strike notice. It is submitted that IInd party denied NIT arrears till 1-9-87 as per State Govt. circular dated 11-1-1984. Addnl facilities and benefits to the employees working in remote areas were not given to the employees of the IInd party Bank. That Ministry of Finance vide letter dated 22-2-91 directed all sponsored banks for implementation of National Industrial Tribunal Award. Arrears for the period 1-9-87 to 31-12-87. That NIT award directed employees who are getting benefits against available State Govt. service are entitled till August 1987. Relevant portion of the award is reproduced in para-7 of the statement of claim. It is submitted that as per letter dated 20-3-93 by NABARD, Tribal area allowance was extended by State of MP to the employees working in certain areas payable to the employees of Regional Rural Banks. It is also submitted vide earlier dated 5-7-91, NABARD had directed Chairman and Managing Director of all sponsored Banks. That instructions contained in annexure with letter should be followed that inspite of award of National Tribunal, and repeated directions of NABARD, management did not pay arrears to the employees to IInd party Bank. Letter dated 9-7-97 by NABARD again directed Chairman of all RRBs and all sponsored banks to pay arrears as per award of National Industrial Tribunal. Despite of such directions, judicial decision, workmen were not paid

arrears. On such grounds, arrears is claimed by Union for employees of IInd party.

3. With reference to Point No.2 in reference order, it is submitted that increments of Shri Satyavrat Hari were withholding without conducting enquiry. Said act of IInd party is illegal withholding increment without giving opportunity for defence is contrary to principles of natural justice. With respect to Point 3 of reference order, it is submitted that the respective employees Ram Swaroop and Mohanlal temporary messengers have completed 240days continuous working. Their services were not regularized. Denial of regularisation to those employees is unfair labour practice and victimization. On such ground, Union is praying reliefs for payment of arrears to set-aside order of withholding increments of Satyavrat and regularize services of respective employees.

4. IInd party filed Written Statement at Page 8/1 to 8/13. With respect to Item no.1 of reference order, IInd party submits that M.P.Ministry of Finance issued order dated 11-1-84 Tribal Area allowance to its employees working in scheduled part of State. Section 17 of RRB Act provides salary of RRB employees envisages Central Govt. may decide salary of such employees time to time. That NABARD Central office vide letter dated 29-9-85 advised to pay integrated Tribal allowance to the Bank staff vide letter dated 25-6-86 Regional office to NABARD informed to extend ITDP benefits to eligible employees of Bank with prior approval of the Board of Directors. That as per Board of Director meeting held on 24-5-89, Board decided to allow benefits of Bank employees w.e.f. 1-10-85. Accordingly circular was issued on 1506089 to the branches. For payment of allowances from 1-10-85 to 31-8-87.

5. It is submitted that National Industrial Tribunal Award was implemented from 1-9-87 vide office letter dated 20-3-93. The arrears were worked out upto 31-8-87 (b) arrears till 1-10-87 to 31-12-90, (c) arrears from 1-1-91. That as per instructions of NABARD, ITDP to be paid from the date of approval of Board. The Board had taken lenient view and benefits of ITDP from 1-10-85 till 31-8-87. That arrears from 1-9-87 to 31-3-90 has been paid as directed by NABARD vide letter dated 9-1-97. The claim of Union for arrears from 1-10-85 doesnot arise.

6. With respect to Point No.2 of reference order, IInd party submits that reference is made mechanically without application of mind. The terms of reference is highly prejudicial to the management. Shri Satyavrat was issued chargesheet. He admitted charges unconditionally. Consequently punishment of with-holding increment was imposed by the management. That disputed question of fact cannot be referred for adjudication. Reference is made to ratio held in different cases That Section 32 of Staff Regulation Act provides right of appeal to the employees belonging aggrieved. Mr. Satyavrat did not file appeal against order of withholding increments. The claim of Union is barred. IInd party further submits that

there is no employee employer relationship. Shri Mohanlal and Ram Swaroop were not employees of the Bank. The reference order is illegal. That Mohanlal was not working in Bank as part time messenger. It is denied that they were in continuous employment within meaning of Section 25 B of I.D.Act. Those employees were not appointed following selection process. They cannot be regularized. Any employees were engaged on temporary basis by way of staff gap arrangement. IInd party denies all adverse allegations of the Union w.r.t. claim of Shri Mohanlal and Shri Ram Swaroop. IInd party prays for rejection of claim.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in not making payment of N.I.T arrears upto 1-9-97 equivalent to State Govt. is legal and justified? In Affirmative

(ii) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in withholding the increment in respect of Shri Ssatyavrat Hari without conducting enquiry is legal and justified? In Affirmative

(iii) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in not regularizing the services of Shri Mohanlal and Shri Ramswaroop, temporary messenger after the completion of 240 days is legal and justified? In Affirmative

(ii) If not, what relief the workman is entitled to?" Relief prayed by workman is rejected.

REASONS

8. Terms of reference clearly pertains to 3 distinct reliefs denial of payment of arrears and allowances, withholding increment of Shri Satyavrat and denying regularisation of Shri Mohanlal and Shri Ramswaroop. Management has denied claim of Union on all grounds. Though Union raised above dispute, Union has failed to adduce evidence in support of his claim. Management of IInd party produced documents Exhibit M-1 charter of

demand submitted by Union. Demand No.13 related to management agreed that demand will be fulfilled according to circular of the Bank and irregularities will be rectified. Exhibit M-2 is letter issued by Regional Office of NABARD Exhibit 3,4 & 6 are directions issued by NABARD office for payment of arrears and antiquity allowance. The affidavit of Chairman of the Bank Shri R.B.Gupta is filed by IInd party. In para-12 of his affidavit, chairman has stated that as per NABARD Instruction ITDP was to be paid from date of approval of Board. The Board was lenient and benefit was extended from 1-10-85 till 31-8-87. The decision to make payment with retrospective date was taken in Board meeting dated 24-5-89. In Para-13 Chairman states arrears from 1-9-87 till 31-3-90 have been paid as per directions of NABARD dated 9-7-87. Arrears prior to 1-10-85 are not payable. The evidence of management's witness remained unchallenged. Union has failed to cross-examine management witness.

9. Management's witness has further stated that increment of Shri Satyavrat were withheld after admission of charge. Management's witness Vinay Sharma Sr. Manager of the Bank has also supported the evidence of Chairman of the Bank on all points. Union failed to adduce evidence to substantiate its claim. Therefore I record my finding in Point No.1, 2, 3 in favour of IInd party. I make it clear that Union has failed to establish the arrears of ITDP due against IInd party. It has also failed to establish withholding increment of Shri Satyavrat is illegal, denial of regularization to Mohanlal is illegal. Therefore I record my finding in Point No.1, 2, 3 in Affirmative.

10. In the result, award is passed as under:-

- (1) The action of the management is legal and proper.
- (2) Relief prayed by workman is rejected.

R. B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में निर्विवाद विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 252/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 को प्राप्त हुआ था।

[सं. एल-41011/22/89- डी-2 (बी)-आई आर (बी-I)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 252/89) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between

the management of Central Railway and their workmen, received by the Central Government on 18/11/2014.

[No. L-41011/22/89 - D-2 (B)- IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/252/89

President,
Rashtriya Chaturth Rail Mazdoor Congress,
Central Office, 2/236,
AgraWorkman/Union

Versus

Assistant Engineer,
Central Railway,
AgraManagement

AWARD

(Passed on this 5th day of November, 2014)

1. As per letter dated 5-12-89 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-41011/22/89-D-2(B). The dispute under reference relates to:

" Whether the action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Noor Islam S/o Buddu Khan and Shri Sitaram S/o Shri Govinddas MRCL after 19-2-87 and 16-7-86 and whether his termination is justified? If not, to what relief the workmen are entitled to?"

2. After receiving reference, notices were issued to the parties. Statement of claim is submitted by Class IV Railway Mazdoor Congress. The case of Ist party is that employees working more than 120 days acquires temporary status as per Indian Railway Estt Manual. The employees completing more than 240 days continuous services acquires right for regularization. The services of Noor Islam and Sitaram were discontinued from 19-2-87 and 16-7-86. Their services were discontinued on ground that they had submitted bogus service card. That Rule 2511 A of Indian Railway Establishment provides that services of such employees cannot be terminated without giving opportunity following principles of natural justice. It is further contented that the employees who were terminated junior to the workmen are regularized as per letter dated 25-12-86 has been approved. The employees who were terminated on ground of obtaining service on false service card. They are also reinstated and continued. The workman are not allowed to work in violation of Article 14 of the constitution. The services of Ist party

workman are terminated in violation of Section 25-F, G, H of I.D.Act. The principles of first come last go was not followed. The charges are proved. The services of employees cannot be terminated. Though the allegations were made that the workmen secured employment on basis of false service card, the charges were not inquired. Without conducting any enquiry, termination of their services is illegal. They have referred to ratio held by Supreme Court in some cases. It is reiterated that termination of their services is illegal. On such ground, workman prays for appropriate relief.

3. IInd party filed Written Statement through Assistant Engineer. IInd party submits that Noor Islam casual labour card No. 257923 was informed that said card was suspicious. He should be directed to submit service card duly verified until he submits service card, he would not be allowed to work. Letter of termination was received. Said workman did not submit the service card duly verified rather he did not report to work. Shri Sitaram holding service card No. 261528 issued from Bhopal office was found suspicious. He did not submit verified service card instead he remained absent from duty. It is submitted that both workmen did not work in time. The service card issued was not issued in their names. The service card of both workmen were bogus. Notice was issued to Shri Sitaram on 14-8-86. Reply was not given. On such ground, it is submitted that workmen are not entitled to any relief.

4. My predecessor passed award dated 16-7-01 against workman. Said award was challenged by Shri Sitaram workman in Writ Petition 93/01. Said writ petition was decided on 6-8-03. His Lordship observed it was for management of Railway to adduce evidence and justify its action by proving before the Tribunal the allegations against workman w.r.t. securing employment by producing false and fabricated casual card. The matter is remanded with direction that the Tribunal to decide question, allegation made by employer before the Tribunal on merit by permitting the management to adduce evidence and thereafter he prayed to grant liberty to employee.

5. The award was challenged only by workman Shri Sitaram, Noor Islam did not challenged the award.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Sitaram S/o Shri Govinddas MRCL after 16-7-86 and whether his termination is justified?

In Negative

(ii) If not, what relief the workman is entitled to?"

As per final order

REASONS

7. As stated above, the award is challenged only by Shri Sitaram filing Writ petition in High Court and matter has been remanded after setting aside award passed by my predecessor. The record shows that the affidavit on which he was cross-examined appears to have been submitted for summons of record. In his cross-examination workman says that appointment letter was not given to him. PWI Morena has discontinued him from work. No appointment letters is given to casual labour. He was discontinued from work as per letter Exhibit M-1. He had gone for joining duties but was not allowed on work. He could sign but unable to read. Document Exhibit M-2 was produced by management. Workman denies that after his discontinuation, he did not report to work with PWI Morena. As award was not challenged by Noor Islam, affidavit submitted by Noor Islam and Bashir Ali needs no discussion.

8. After remand of the matter, management adduced evidence of witness Shri S.A. Khan. The management's witness says as per documents available with the department, workman had secured employment submitting service card. The matter was inquired and found that both employee did not work at Morena Bhopal. Both workmen left their job. Service cards submitted by both workmen were found bogus. In Para-8 of his affidavit, management's witness has stated that Shri Sitaram S/o Govinddas Card No. 261258 was directed to submit verified service card but he had not returned to duties. As per letter dated 2-8-86, it was found that said workman did not work in the division neither card was issued. It is reiterated that the workman had not returned to work. The workman had secured employment on basis of bogus card. In his further evidence, witness of management says he is working as Suptd. In Engineering department of Morena office. The document dated 19-2-88 is copy of termination order its original was submitted before CGIT Kanpur. M-4 is its certified copy. Exhibit M-2 is order calling workman to produce verified service card, its original was produced before CGIT Kanpur. The documents Exhibit M-1 to M-4 are admitted in evidence. Management's witness in his cross says he was not knowing Sitaram. He did not work under him. Witness of management admitted that Shri Sitaram had worked for 120 days as temporary employee and acquired status of temporary employee. The witness admits that when temporary status is given to employees he cannot be terminated without enquiry. Before termination of Shri Sitaram no enquiry was conducted. The witness explained that there was no need for enquiry. Notice was issued to workman for production of verified service card. The original of Exhibit M-2 is produced before CGIT, Kanpur. The witness claims ignorance about decision by CGIT Kanpur in the matter. However he says the matter is decided Exhibit M-2 bears signature of the officer where workman was working he denies that workman had not given reply to Exhibit M-3. That attendance register of

workman is produced. His attendance is not marked. The witness of management Naresh Kumar Sinha in his affidavit says that notice was given to both employees calling their explanation why they should not be terminated. The employee did not give reply. They had left the job. That the casual labours were required to deposit 1 Re for issue of the card. The document Exhibit M-5/1 to 5/2 proved from evidence of said witnesses are list of persons submitting bogus casual card. In his cross-examination, management's witness says the said list was received from office of Central Railway Mumbai. Name of Shri Sitaram was at Sl.No. 102 as person securing employment producing bogus service card. Before preparing said list, whether employee was given opportunity for hearing is not known to him.

9. The evidence on record clearly shows that workman had acquired status of temporary employee. Management's witness admits that service of such employee could not be terminated before enquiry. Any record of enquiry conducted against workman is not produced. Therefore the termination of service of workman Shri Sitaram is illegal. For above reasons, I record my finding in Point No.1 in Negative.

10. Point No.2- in view of my finding in Point No.1 termination of service of workman is illegal, question arise whether he is entitled for reinstatement with back wages. The evidence of management is silent about gainful employment. However workman in his evidence after remand says that he was removed from service on 16-7-86 without notice. After removal from service, he was not gainfully employed. In his cross-examination, workman says that he was working at Morena, he has 4 child residing with him. The children are receiving education. His brother in law Munshi and Bhagwati Prasad are helping him for payment of fees of his children. Workman is discontinued from service in 1986. It is difficult to believe that all those long period, the workman is not doing any work and depends on his relatives. Considering age of workman, possibility of workman not doing some work for his family may not be ruled out. Considering the facts and circumstances and long period workman is out of employment, reinstatement with 30 % back wages would be appropriate. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

(1) The action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Sitaram S/o Shri Govinddas MRCL after 16-7-86 and terminating him from service is illegal.

(2) IInd party is directed to reinstate workman Shri Sitaram in service with continuity of service with 30% back wages. IInd party shall pay cost of Rs.5000/- to the workman Shri Sitaram.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In

case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 100/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था।

[सं. एल-12012/334/98-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/99) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 18/11/2014.

[No. L-12012/334/98 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/100/99

PRESIDING OFFICER : SHRI R. B. PATLE

Shri Premdas Manikpuri,
C/o Bhukhandas Manikpuri,
BS Bhasin and Sons,
Telbandha, RaipurWorkman

Versus

Chief Manager,
State Bank of India
C&I Division, SBI
Main Branch, Jaistambh Chowk,
RaipurManagement

AWARD

(Passed on this 23rd day of September, 2014)

1. As per letter dated 25-02-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification

No. L-12012/334/98-IR(B-I). The dispute under reference relates to:

"Whether the termination of service of Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri by the management of State Bank of India w.e.f. 24.09.96 is justified? If not, to what relief he is entitled to?

"Whether Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri has actually worked in the Main branch of SBI Raipur from 11-07-96 to 26-09-96, if so what should be his wages for the above period".

2. After receiving reference, notices were issued to the parties workman submitted. Statement of claim at Page 2/1 to 2/4. Case of workmen is that he was appointed on post of messenger with IInd party from April 1995, His duties of workman were of distributing vouchers concerned division etc. that he performed duties regularly from April 95 to 23-09-96. IInd Party not allowed him on duty. His services were discontinued without assigning reasons that he completed 240 days continuous service in calendar year. He acquired status of permanent employee. The services were terminated without notice retrenchment compensation was not paid to him. Termination of his service is in violation of Section 25-F of I.D. Act. His services are terminated by victimization. Action of IInd party is malafide, arbitrary. On such ground. Workman prays for his reinstatement with back wages.

3. IInd party filed Written Statement at Page 9/1 to 9/4. Claim of workman is denied outright. IInd party submits that workman was engaged in October 95. Workman worked till December 95 for total 56 days. In January to July 96, workman was engaged for cleaning work for 138 days, thus workman had worked for total 194 days intermittently. Workman not completed 240 days continuous service. Workman is not entitled to protection of ID Act. IInd party has not appointed nor terminated services of workman. Workman was not completed continuous service as per Section 25B of I.D. Act. On such ground, IInd party prays for rejection of claim.

4. Workman has filed rejoinder at page 10/1/ to 10/2 reiterating his contentions in statement of claim. That he had completed more than 240 days continuous service. Contentions of management that he worked only for 194 days is denied.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the Reasons as below:—

- | | |
|---|-------------|
| (i) Whether the termination of service of Shri Manikpurii Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri by the management of State Bank of India w.e.f. 24.09.96 is justified? | In Negative |
|---|-------------|

- | | |
|--|--------------------|
| (ii) Whether Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri has actually worked in the Main Branch of SBI Raipur from 11-07-96 to 26-09-86? | In Affirmative |
| (ii) If so, to what relief the workman is entitled to? | As per final order |

REASONS

6. Workman is challenging termination of his service for violation of Section 25-F of I.D. Act. The engagement of workman by IInd party is not in dispute. The dispute is about working days of workman. According to management, workman has worked only for 194 days. According to workman he completed more than 240 days continuous service.

7. Workman filed affidavit of his evidence stating that he was continuously working with IInd party as messenger from April 95 to 24.09.96. He was not paid wages from 31.07.96 to 23.09.96. He stated that from April 95 to December 95, he worked for 275 days, from January 96 to 23.09.96 he worked for 266 days. In his cross-examination workman says he had not appeared for any examination, he was appointed. His name was not sponsored through Employment Exchange. The Bank Officer had asked him to work. The wages were fixed at time of joining work. He denies that he was doing work only of cleaning. Workman reiterates that work of messengers were extracted from him. He reiterates that his wages were paid by Bank and not by contractor. He denies working under contractor Shri Prakash. The pleadings in Written Statement of IInd party are silent that workman was working under Sanity contractor Shri Prakash. Workman has produced various zerox copies of bank cheque and zerox copies of his applications for payment with endorsement of payments by branch manager at Page 13/12 to 13/66. Management denied all those documents.

8. Affidavit of evidence of management's witness Adhishwar Kumar Goyal is filed supporting contentions of management that workman was working for 194 days broken period. He not completed 240 days continuous service. Workman was paid wages. Management witness in his cross-examination says on 4.09.13, he was working in head office. As per record, workman was working from October 95 to December 95 on daily wages. He denies Zerox copies of documents referred to him. In his further cross-examination witness of management says any document about working days of workman are not produced. Said documents are not brought by him. The documents are destroyed after 5-10 year. As per pleadings between parties workman was working from 95-96. The reference is made as per order dated 25.02.99 hardly after 3 years. The document must be available with IInd party. In view of evidence of management's witness, documents

are destroyed after 5 years. The documents are not produced by management despite application for production of documents was filed by workman in July 2007, Learned counsel for workman Shri H.N. Das pointing out evidence relies on ratio held in

"Case of M/S Sriram Industrial Enterprises Ltd. versus Mahak Singh reported AIR 2007-SC-1370. Their Lordship dealing with Section 2(g), 6N of I.D. Act held that workman in order to be in continuous service must have worked continuously for a period of 240 days in any calendar year during his period of service. Section 2(g) doesnot require to prove that he had worked for 240 days continuously only during preceding period of 12 months prior to termination of his Service."

Their Lordship dealing with evidence and proof held workman had discharged their initial burden by producing whatsoever documents were in custody to show that they were continuously worked for 240 days.

9. On the point, learned counsel for IInd party Tripathi relies on ratio held in

Case of Krishna Bhagya Jala Nigam Ltd. versus Mohammed Rafi reported in 2009(11) SSC 522. Their Lordship held burden of proof as to completion of 240 days of continuous work in a year reiterated lies on the aggrieved workman. The reliance is also placed in 2013(2) SSC-751. Their Lordship held there is no reason and justification to interfere on the order passed.

In present case, workman has produced zerox copy of documents available with him. IInd party has not produced any documents about payment of wages, attendance etc. therefore adverse inference needs to be drawn. The evidence of workman therefore cannot be rejected. For above discussion, it is establishment that workman had worked more than 240 days continuously. Services were terminated without notice, retrenchment compensation was not paid to him. For above reasons, I record my finding in Point No. 1 in negative.

10. Point No. 2- in view of my finding in Point No. 2, termination of service of workman is illegal. Question arises whether he is entitled for reinstatement with back wages. Cross-examination of workman shows he was not sponsored by Employment Exchange. He was engaged from April 95 till 23.09.96 for about 16 months. Considering short span of work, reinstatement of workman would be justified. reasonable compensation would be justified. Considering evidence of workman, he was working till 23-09-96., he was not paid wages after 31-07-96, workman is also entitled for wages for said period. Thus compensation Rs. 75,000/- to workman is justified in addition to wages for the period 1-8-96 to 23.09.96. Accordingly I record my finding in Point No. 3, 4.

11. In the result, award is passed as under:-

(1) Action of the management is legal.

(2) IInd party is directed to pay compensation Rs. 75,000/- to workman and also to pay wages for the period 01.08.96 to 23.09.96.

(3) IInd party is directed to pay cost of Rs. 5,000/- to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R.B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3111.—औद्योगिक विवाद अधिनियम, 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार आई एन जी वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था।

[सं. एल.12012/234/2005-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2006) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of ING Vysya Bank Ltd. and their workmen, received by the Central Government on 18/11/2014.

[No. L-12012/234/2005 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AT HYDERABAD

PRESENT : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 29th day of October, 2014

INDUSTRIAL DISPUTE No. 29/2006

Between:

Sri J. Anand Gupta,
Ex. Sub. Staff,
C/o Sri S.G.K. Murthy,
H.No. 15-16-5,
Rajanagar Colony, Old Mirjalaguda,
Malkajigiri, Hyderabad-500047

---Petitioner

AND

1. The Chief (HRD),
ING Vyasya Bank Ltd.,
Regional Office,
3-6-438/5&6, 5th Floor,
Nasipur House, Himayatnagar,
Hyderabad-500029.

....Respondent

Appearances:

For the Petitioner:

M/S. D. Ravisankar Rao, Ch. Venkata Raju,
K. Raghuram Reddy, M.V. Sastry, Advocates.

For the Respondent:

M/s C. Niranjan Rao, M. Subrahmanya Sastry &
L. Chandra Mohan Reddy, Advocates.

AWARD

Vide the proceeding No. L-12012/234/2005-IR(B-I) dated 17.03.2006 the Government of India, Ministry of Labour and Employment, New Delhi made a reference to this Tribunal requiring this Tribunal to give its award on the question,

"Whether the action of Management of M/s. ING Vyasya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.03.2005 without conducting a domestic enquiry is proper and justified? If not, to what relief the workman concerned is entitled?"

On receipt of the above referred reference this Tribunal issued notices to both the workman and the Management. They both appeared before this Tribunal and also engaged their respective advocates to assist them with the consent of each other and leave of the Tribunal.

2. The workman filed his claim statement with the averments in brief as follows:—

The workman was appointed as sub-staff in the Respondent bank branch office at Sadasivapet on 08.12.1993 and was placed under probation for a period of 6 months. Thereafter he was confirmed in the said post with effect from 08.06.1994. While so, he was falsely implicated in a petty offence and was taken to Sadasivapet Police Station while he was on duty on 26.10.2004 at about 11 AM on the pretext to know the whereabouts of some of his neighbours. He was released only at 9PM on that day and he was instructed to attend to the Police Station on the next day at 9 AM. On 27.10.2004 Police took him to the Court at Sangareddy and while surrendering him to the court threatened him to accept everything. Police filed chargesheet alleging that the workman committed an offence punishable under Sec. 9(1) of A.P. Gambling Act. The case was registered at STC 270 of 2004 on the file of the Addl. Judicial First Class Magistrate, Sangareddy. The said court by virtue of judgement dated 27.10.2004 convicted the workman

and sentenced him to undergo rigorous imprisonment for one month and to pay fine of Rs. 300/- for the offence under Sec. 9(1) of A.P. Gambling Act. The workman challenged the said judgement by filing Criminal Appeal No. 139 of 2004 before the Sessions Judge, Medak at Sangareddy. He also informed the Management bank regarding these incidents through his letter dated 29.10.2004. The Vice President of the Respondent bank issued a show cause notice dated 27.11.2004 stating that as the workman was convicted of an offence involving moral turpitude why he should not be dismissed from the service of the bank in terms of Sec. 10(1)(b)(i) of the Banking Regulation Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.04.2002. The workman submitted his explanation dated 10.12.2004 informing the bank that he preferred an appeal against his conviction and that the appellate court suspended the order of conviction and sentence imposed against him by the trial court. The Appellate Court allowed Criminal Appeal No. 139 of 2004 vide judgement dated 07.02.2005 setting aside sentence of one month rigorous imprisonment but confirming the fine of Rs. 300/-. The Management vide order dated 17.03.2005 dismissed the workman from service stating that he was convicted by trial court and the conviction remains and therefore inclined to dismiss the workman from service. This order is passed arbitrarily and without conducting any enquiry as contemplated under the procedure for taking disciplinary action and in total violation of principles of natural justice. The workman there upon raised conciliation proceedings before the ALC(C) which ended in failure. thus, the reference made. The workman is not guilty of any crime which got anything to do with his employment with the Respondent bank. Solely on the basis of his conviction it can not be generalised that his credentials are not worthy of credence. The act on the part of the workman was not a conduct involving moral turpitude warranting imposition of dismissal. Payment of fine of Rs. 300/- is trivial in nature and the punishment of dismissal from service imposed by the Management for a such a trivial offence is very severe and disproportionately high. Neither the service conditions applicable to the workman nor the Banking Regulation Act, do not enumerate the offence under Sec. 9(1) of A.P. Gambling Act as moral turpitude. Further, when one Mr. Anjaneyulu, (E. No. 903) was involved in a criminal case on the allegation of committing the same offence and was convicted and sentenced to pay a fine of Rs. 300/-, during the year 1993 the Management of the Respondent bank conducted Departmental enquiry took a lenient view and has not awarded any punishment at all. Thus, the Respondent bank is adopting different methods while dealing with executives and sub-staff which amounts to discrimination. In case of Pawan Kumar Vs. State of Haryana and another 1996 (4) SCC 17, the Apex Court held that punishment of fine upto to certain limit say upto Rs. 2000/- or so on a summary/ordinary conviction shall not be treated as conviction at all for any purpose and all the whole for

entry into the retention in government service. For all these reasons the impugned order of dismissal is liable to be set aside. The workman could not get any alternative employment in spite of his best efforts. He, his wife and two children are totally depending upon mercy of his parents and other villagers. Therefore, the impugned order dated 17.03.2005 issued by the Management of the Respondent bank dismissing the workman for service of the bank is to be set aside ordering for reinstatement with full wages and continuity of service and all other attendant benefits.

3. The Respondents/Management filed their counter with the averments in brief as follows:

The reference itself is against established principles of law. The Management can dismiss an employee without conducting any enquiry and the Management can lead evidence and prove reasons for dismissing the employee before the competent court. This issue was settled long back i.e. in the year 1975 itself by the Hon'ble Supreme Court of India in the case of Cooper Engineering Ltd., vs. P.P. Mundhe (1975 2 LLJ page 379). The officials of the bank who were included as parties got nothing to do with the dispute. The dispute is between the bank and the employee only. The Respondent bank is a commercial bank which made considerable progress due to honest efforts, good Management and cooperation of the employees. Being a banking institution its business is solely depends upon the patronage of the customers which requires high degree of honesty, integrity, devotion to duty, promptness and diligence in discharging duties and also high degree of discipline from its employees. Thus, any kind of indulgence of an employee in any unlawful activity will adversely affect the customer relations and as such the employees working in the bank are required to maintain good amount of honesty, integrity, devotion to duty, high degree of discipline and decency. On 27.10.2004, on reliable information that the workman was conducting Matka on Shastry Road, Near Vysya Bank, the Sub-Inspector of Police, Sadasivapet Police Station along with his staff came and found the workman conducting Matka. At about 9.30 AM on that day he obtained the statement, conducted panchanama of the confession in the presence of Mr. Kummari Satyanarayana and Md. Sikinder who are also the employees of the bank. Police recovered an amount of Rs.130/- and four matka chitties from the workman, arrested him and took him to the Police Station. Thus, it is clear that the workman was involved in activities of moral turpitude due to which the Respondent bank's reputation got affected badly. STC No.270 of 2004 on the file of Addl. Judicial Magistrate of First Class, Sangareddy for the offence under Sec. 9(1) of A.P. Gambling Act was registered against the workman and the said fact was intimated to the bank by the Sub-Inspector of Police, Sadasivapet by virtue of letter dated 28.10.2004. The workman was prosecuted in the said case and while so he pleaded guilty of the offence under Sec.9(1) of A.P.

Gambling Act. Thereon he was convicted and was sentenced to undergo rigorous imprisonment of one month and to pay Rs. 300/- as fine in default to undergo simple imprisonment for two months vide judgement dated 27.10.2004. Thereafter the Vice President of the bank issued show-cause notice dated 27.11.2004 for which the workman gave his reply which was found not satisfactory. Thereon the impugned order dated 17.3.2005 was issued. Aggrieved by the same, the workman preferred an appeal to the next higher authority. Considering the grounds for appeal and other material on record the Appellate Authority confirmed the order passed by the Disciplinary Authority. The said proceedings are legal and valid and in accordance with law. The allegations made contra are all incorrect. Whenever an employee involved in an offence relating to moral turpitude, he can be dismissed from service without holding enquiry as per the Memorandum of Settlement dated 10.4.2002. The contention of the workman that his action is not involving moral turpitude warranting the imposition of dismissal is also baseless and incorrect. The offence in which the workman was involved is grave and serious in nature involving moral turpitude as such punishment of dismissal imposed is legally valid and justified. The case of another employee by name Mr. Anjaneyulu has no relevance to the facts of the present case and it happened in the year 1993. The gravity of the facts in both the cases are totally different and they are unequal by any comparison. The bank is neither discriminated the sub-staff. The case reported in 1996 4 SCC at page 17 has no relevance to the facts of the present case since the same dealt with service conditions of government servants. The workman is gainfully employed after leaving the service of the Respondent bank. He filed the present case only to have wrongful gain. As per the present legal position, even an acquittal in a criminal case will not nullify the decision taken by the Management. Whereas the workman has been convicted by the trial court and the same was confirmed by the appellate court. Therefore the dismissal order passed against him is legal, valid and justified. Any amount of indiscipline from the employees of the bank which is dealing with the public money effects its reputation in the eye of public. Therefore, the workman can not be continued in bank's service. The claim is liable to be dismissed.

4. To substantiate the contentions of the workman he examined himself as WW1, through him Ex.W1 to W8 were marked. On behalf of the Management MW1 was examined and Ex.M1 to M9 were marked. While MW1 was under cross examination Ex.W9 was marked.

5. Heard the arguments of either party. Written arguments were also filed for the Respondents and the same are considered.

6. The points that arise for determination are:

I. Whether the action of Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand

Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified?

II. To what relief the workman is entitled to?

7. Point No.I:

When the reference which is to be answered in this case and the language of the reference are minutely considered, what one can reasonably understand is that the referring authority is calling upon this forum to verify whether the action of the Management in rendering the order dated 17.3.2005 without conducting a domestic enquiry is proper and justified. That means the referring authority is not calling upon this forum to go into the merits and demerits of the order dated 17.3.2005. It is only asking this forum to verify whether passing of such order without conducting a domestic enquiry is proper and justified only.

8. In the light of the above, understanding of the reference made, the impugned order and circumstances surrounding it are to be verified. The material on record is disclosing that the workman has been working as a sub-staff of the Sadasivapet branch of the Respondent bank. While so, on 26.10.2004 during morning hours, he was found to be involved in 'Matka' in Sastry Road, of Sadasivapet near Vysya Bank and on information Police came there, apprehended him while he was in possession of matka chitties and also some cash, recorded his statement in the presence of two other bank staff who acted as Panchas, and recovered the said chitties and cash under the cover of a panchanama and arrested the workman, registered the crime under Sec. 9(1) of A.P. Gambling Act, and presented the case before Addl. Judicial First Class Magistrate, Sangareddy on whose file the said case has been registered as STC 270/2004. It is an admitted fact that when the workman was facing the prosecution in the said case, he pleaded guilty of the charge under Sec. 9(1) of A.P. Gambling Act. As can be gathered from Ex.W5, the copy of judgement rendered in STC 270/2004 dated 27.10.2004, the court found the plea of guilt made by the workman as voluntary, accepted the same and proceeded to find him guilty of the charge under Sec. 9(1) of A.P. Gambling Act, basing on such plea, convicted him and sentenced him to under go rigorous imprisonment for a period of one month and also to pay a fine of Rs. 300/-, with default sentence of simple imprisonment for a period of two months.

9. Aggrieved by Ex.W5 judgement the workman has preferred appeal in Criminal Appeal No. 139/2004 to the Court of Sessions, Medak at Sangareddy. By virtue of judgement dated 7.2.2005, a copy of which is marked as Ex.W7, the Appellate Court confirmed the finding of guilt and the conviction order passed by the trial court by virtue of Ex.W5 judgement, but modified the sentence imposed against the workman by limiting it to the payment of fine of Rs. 300/- only, setting aside the imposition of

sentence of rigorous imprisonment for a period of one month. That means, the appellate court also accepted the plea of guilt of the workman as voluntary and took the same as basis for confirming the finding of guilt of the workman and his conviction. Evidently, the said judgement became final and thus, binding on the workman, since it was not challenged before any forum.

10. But, contrary to the said judicial findings, the workman is making a claim that his plea of guilt was not voluntary and that it was forced from him by the Police by putting him under threats. But a fact to be noted is that at no point of time, and in spite of having due opportunity to contend so, i.e., at the time of preferring the appeal against Ex.W5 judgement, the workman has chosen to contend that his plea of guilt was not voluntary. Ex.W5 judgement clearly makes out that the appellant has not claimed any where in the grounds of his appeal that the plea of guilt made by him was not voluntary.

11. After, the workman was convicted by the trial court in STC 270/2004 the Disciplinary Authority issued Ex.W2 show cause notice dated 27.11.2004 calling upon the workman to show cause why he should not be dismissed from service of the bank in terms of Sec.10(1)(b)(i) of Banking Regulations Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.4.2002 and granting seven days time for the workman's reply. Ex.W3 is the reply dated 7.12.2004 given by the workman whereunder he stated that he preferred appeal against the judgement of the trial court and that the Appellate Court suspended the sentence imposed against him by the trial court till the disposal of the appeal and that he was pursuing the case for acquittal by the court. Evidently thereafter, the appellate court rendered Ex.W7 judgement confirming the conviction but modifying the sentence imposed against the workman by the trial court. Considering all these aspects the Disciplinary Authority rendered Ex.W5, the impugned order dated 17.3.2005 dismissing the workman from the service of the bank with immediate effect in terms of Sec.10(1)(b)(i) of Banking Regulation Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.4.2002. This is the order which is now under challenge.

12. The above referred facts of the case clearly show that before passing Ex.W5 order, except for issuing a show-cause notice to the workman and securing his reply to it, the Disciplinary Authority has not taken up any enquiry. It is the claim of the workman that it is not legal, proper and justifiable action on the part of the Disciplinary Authority to pass the impugned order without any departmental enquiry. With this regard he is relying upon the principles laid down in the case of **Balubhai Amidas Khristi Vs. State of Gujarat and others, 1978 2 SLR 815, in this case no banking institution is a party and the provisions of Banking Regulations Act and the Memorandum of Settlement referred to in the present case were not under consideration.** Even otherwise, while

considering the case of a Civil Servant who was dismissed from service on his conviction by a criminal court for the offence of Varli Matka, Hon'ble the Gujarat High Court has observed that as per the procedure prescribed and rules governing the area, the Disciplinary Authority got discretion either to hold Departmental enquiry or otherwise while dealing with such cases. But it is held to the effect that while imposing major penalty on the ground of a conduct which has lead to the conviction of the employee on a criminal charge the Disciplinary Authority must give an opportunity to the said employee and also shall consider the conduct and circumstances which lead to the conviction under a criminal charge. The facts and circumstances of the cited case regarding dispensation of Departmental enquiry are different from that of the present case since, the present case is in connection with a banking institution and it is not so in the cited case.

13. Further more, in the present case, there is no violation of principles of natural justice on the part of the Disciplinary Authority. An opportunity has been given to the workman by way of issuance of show cause notice whereunder, the provisions of law and the part of the Memorandum of Settlement which the Disciplinary Authority intended to invoke for passing the order of dismissal have been disclosed to the workman calling upon him to show cause why such order should not be passed. If such provisions are not applicable to this case in the opinion of the workman, the avenue was open to him to say so, giving his reasons while giving his reply but he has not done so. It is not his case that the Disciplinary Authority has no discretion to dispense with the Departmental enquiry while acting upon his being convicted on a criminal charge by a court of law, and to pass an order imposing punishment on him on administrative side. Further more, Ex.W9 i.e., a copy of Chapter 8 of the Memorandum of Settlement, according to the workman itself, shows that an enquiry need not be held if the bank has issued a show cause notice to an employee advising him of misconduct and the punishment to which he may be liable for such misconduct. This provision is available in Clause 12 (e) (i) of Ex.W9.

14. No doubt for Ex. W2 notice issued by the Disciplinary Authority, the workman has given Ex.W3 reply whereunder he has not chosen to accept his guilt. But, a reading of Ex.W3 together with the factum of his plea of guilt made before the criminal court and which was found voluntary by the trial court as well as appellate court as already discussed above, what one can reasonably understand is that the workman has pleaded his guilt before all the relevant forums. In Ex.W3 reply he gave a reference to Ex.W1 letter dated 21.10.2004 addressed by him to the bank where under he claimed that he never committed any offence. But the fact remains that such claims were not made before the appellate court though the appeal proceedings took place much subsequent to the date of Ex.W1, and further the appellate court upheld the conviction of the workman ordered by

the trial court which was basing on the plea of guilt made by the workman before the said court. In the given circumstances, it can not be said that Disciplinary Authority has not followed the rules and regulations governing the service of the workman while taking action against him.

15. In any view of the matter it is the contention of the Respondent bank that Ex.W9 is not a part of the Memorandum of Settlement dated 10.4.2002. When such plea has been taken, it is bounden duty of the workman to prove that it is part of the said settlement by adducing relevant evidence, as rightly contended for the Respondent. He failed to do so.

16. Further more, it is an admitted fact that as per the rules governing the service of the bank employees, when an employee is convicted of an offence involving moral turpitude by a criminal court, he is liable to be dismissed from service of the bank by the Disciplinary Authority. Though, the reasonableness or otherwise of the order of dismissal is not a question under the present reference and the only question to be decided is whether the order of dismissal is legal and justified since it has been issued without Departmental enquiry, as the question whether the offence involved in this case is an offence involving moral turpitude, has been raised time and again by the parties to the proceeding and an elaborate discussion has taken place, it is the duty of this Tribunal to go into it incidentally.

17. Even as per the case of Balubhai Amidas Khristi referred to above and which has been relied upon by the workman himself, Hon'ble the Apex court has considered the question whether an act of gambling is an offence involving moral turpitude, way back in the year 1957, in the case of state of Bombay vs. R.M.D. Chamar Baugwala AIR 1957 SC 599 and held that the vice of gambling was frowned upon by the society and it is a shocking conduct. Hon'ble High Court of Gujarat, though noted of this finding in the case of Balubhai Amidas Khristi, held that the changing scenario in 20th century circumstances remained different. But the fact remains that it is the verdict of Hon'ble Supreme Court of India that the gambling is an offence which is to frowned upon by the society and it is a shocking conduct.

18. In the case of Pawan kumar Vs. State of Haryana and another [1996 (73) FLR page 1501, Supreme Court] Hon'ble the Supreme Court has defined the expression - moral turpitude used in legal and also societal parlance, as the conduct which is inherently base, vile, depraved or having connection showing depravity. When this finding is considered in the light of the verdict of Hon'ble the Supreme Court given in the case of State of Bombay Vs. RMD Chamber Baugwala referred to above, what one can reasonably understand is that the act of gambling squarely falls under this definition of moral turpitude.

19. It is an undisputed fact that as per the rules governing the banking service and the settlements arrived

at between the employees and Management of the banking institutions the employee who committed the offence involving moral turpitude and is convicted by a court of law can be dismissed from service by the Disciplinary Authority.

20. It is the other contention of the workman that he has been discriminated by the Respondent bank in awarding the punishment of dismissal though for similar conduct i.e., conviction for the offence under Sec.9(1) of A.P. Gambling Act, way back in the year 1993 another employee by name Sri Anjaneyulu was not at all punished even though departmental enquiry was conducted against him. Whereas it is the contention of the Respondent bank that the case of Sri Anjaneyulu is totally different from that of the workman. In such case, it is for the appellant to establish that the case of Sri Anjaneyulu is similar to that of his case and in spite of it he has been discriminated by the Respondent bank, though this is not a point which can cover the question referred in the present reference as it has been seriously raised by the workman it is being mentioned.

21. In view of the foregone discussion of the material on record, it can safely be held that the action of the Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified.

This point is answered accordingly.

22. Point No.II:

In view of the finding given at Point No.I the workman is not entitled for any relief sought for.

This point is answered accordingly.

Result:

In the result, the reference is answered as follows:

The action of Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified. In the circumstances the workman is not entitled for any relief.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 29th day of October, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri J. Anand Gupta

Witnesses examined for the Respondent

MW1: Sri T.S. Krishna Rao

Documents marked for the Petitioner

- Ex. W1: Photostat copy of lr.dt.29.10.2004 addressed to the Vice President, Ing Vysya Bank Ltd., Regional Office, Hyderabad
- Ex. W2: Photostat copy of show cause notice dt. 27.11.2004
- Ex.W3: Photostat copy of WW1's explanation dt. 10.12.2004
- Ex.W4: Photostat copy of dismissal order dt. 17.3.2005
- Ex.W5: Photostat copy of order dt. 27.10.2004 made un STC No. 270/2004
- Ex.W6: Photostat copy of order passed by the Hon'ble Addl. Judicial Magistrate of First Class, Sangareddy dt. 28.10.2004
- Ex.W7: Photostat copy of orders dt. 8.11.2004 made in Crl M.P. No.1114/04 in Crl. A. No.139/04 by the Hon'ble Court of Principal Sessions Judge, Medak
- Ex.W8: Photostat copy of judgement dated 7.2.2005 made in Crl. Appeal No.139/04
- Ex.W9: Photostat copy of settlement dt. 10.4.2002 on disciplinary action procedure for award staff

Documents marked for the Respondent

- Ex. M1: Certified copy of judgement passé din STC No.270/2004 on the file of Addl. Judicial First Class Magistrate, Sangareddy.
- Ex. M2: Photostat copy of judgement dated 7.2.2005 made in Crl. Appeal No.139/04
- Ex. M3: Photostat copy of show cause notice dt. 27.11.2004
- Ex. M4: Photostat copy of chargesheet submitted by the Police authorities in STC No.270/2004
- Ex. M6: Photostat copy of lr. sent by Sadashivpet Police Station dt. 28.10.2004
- Ex. M7: Photostat copy of order passed in WP No. 23061/2004
- Ex. M8: Office copy of dismissal order dt. 17.3.2005
- Ex. M9: Office copy of order in appeal dt.26.8.2005

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3112.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार धनलक्ष्मी बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अरूनाकुलम के पंचाट (संदर्भ संख्या 24/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 को प्राप्त हुआ था।

[सं. एल-12012/11/ 2011-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2011) of the Cent. Govt.Indus. Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of Dhanalaxmi Bank Ltd and their workmen, received by the Central Government on 24/11/2014.

[No. L-12012/11/2011- IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

PRESENT :

SHRI.D.SREEVALLABHAN, B.Sc., LL.B,
Presiding Officer

(Tuesday the 21st day of October, 2014/29th Asvina,
1936)

ID 24/2011

Workman : Shri Babumon C
Weavers Colony
Thykadappuram
Neeleswaram
Kasargod - 671314
By Adv. Smt Sajitha S Dharan

Management : The Assistant General Manager
Dhanalaxmi Bank Ltd.
Dhanalaxmi Buildings Naickanal
Trichur Kerala - 680001
By M/s. B. S. Krishnan Associates

This case coming up for final hearing on 08.10.2014 and this Tribunal-cum-Labour Court on 21.10.2014 passed the following:

AWARD

In exercise of the powers conferred by clause (d) of sub-section(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government/Ministry of Labour as per Order No-L-12012/11/2011-IR(B-I) dated 28.06.2011 referred the industrial dispute scheduled thereunder for adjudication to this tribunal.

2. The dispute is:

"Whether the action of the management of Dhanalaxmi Bank Limited, Trichur, Kerala in terminating the services of Shri Babumon C, Employee Code No.4502 of Kannur branch, vide their order date 25.09.2010 is legal and justified? To what relief the workman is entitled?"

3. Workman was appointed as Relationship Manager in the Kannur branch of the management bank on 20.03.2010. He was terminated from service on 25.09.2010. Challenging the validity and the legality of the termination he had raised the industrial dispute which resulted in this reference.

4. After appearance before this tribunal workman filed claim statement. The allegations made therein, in brief, are that at the time of his appointment as relationship Manager he was informed that he would be in charge of four branches and he will be assisted by four relationship officers. At the time of interview the offer was for appointment as Non-sourcing and Team handling(Grade 1-Manager) in Kasargod area. But he was appointed as relationship manager in the Kannur branch. When he enquired about it to the Area Sales Manager Mr. Jimmy Dominic, Regional Sales Manager Mr. Vinod Anilkumar and HRD Manager Mr. Amith Antony they behaved in a very rude and inhumane manner. He was not entrusted with the responsibilities of any branch and was not provided with the job profile as promised by the management bank. In spite of repeated requests made by him he was not given the job profile. It was because of the offer made at the time of interview that he would be given posting in Kasargod District he had resigned from the service of ICICI Prudential Bancassurance and joined in the management bank. He was having six years' experience in the insurance field. He had maximum business in the Kozhikode region. It is incorrect to say that his conduct and performance level is not even below the average but could only be rated as zero. He was not intimidated about performance level. Being the relationship manager there was no occasion for him to approach the general public directly. He used to participate actively in the training programmes conducted by the management bank. Even though the 'DAR' is actually meant for sales executives and relationship officers he had also to furnish the same. It is not correct to say that he was given counseling to improve his performance. He had not violated the conditions of appointment for termination of his service during probation. He did not receive any notice before termination. He was denied employment without hearing him and in violation of the rules and regulations. As per the Exit Management Process of the management bank he is to be given three months' notice with three months' salary as CTC/gross salary for termination of service. Management bank did not pay the salary for the month of September, 2010 and conveyance allowance @ ₹ 4,500/- per mensem from the date of appointment. It is not correct to say that he being the relationship manager will not come within the purview of the definition of workman under the Industrial Disputes Act. Because of the persistent demands made by him for the work profile to the Area Sales Manager and Regional Sales Manager he was asked to resign from service or to act in accordance with the directions of his superiors. Afterwards he was transferred to Kattambally branch as

a revenge. His request to the HRD manager Mr. Srikant at Thrissur branch for a transfer to another branch was not considered and on 10.09.2010 he was asked to report before the Regional Office. The Area Sales Manager Mr. Jimmy Dominic and Regional Sales Manager Mr. Vinod Anilkumar asked him to resign from service or else he would be terminated from service. He had disagreed with their demand for resignation. On 30.09.2010 he was asked to appear before the Kozhikode branch and without notice he was terminated from service. The continuous demands made by him for the work profile provoked them for the illegal termination of his service. Their behaviour resulted in the resignation of other employees also. Since the termination of his service is illegal he is entitled to be reinstated with continuity of service, back wages and all other consequential benefits.

5. Management filed written statement challenging the maintainability of the reference on the ground that the provisions of the ID Act are not applicable to the workman as he is not a workman as defined under the said Act. It is further contended that all the terms and conditions of service were categorically narrated in the offer of appointment sent through e-mail dated 19.03.2010 and the appointment letter dated 04.06.2010 issued to him. The allegations in the claim statement that at the time of appointment the workman was informed that he would be in charge of four branches and he would be assisted by four relationship officers and that at the time of interview he was informed that he would be appointed as a Non-sourcing and Team handling profile at Kasargod are not true. The allegations that he was told by the management that he would be transferred to Kasargod and that the ASM, RSM and HRD behaved rudely and in an inhumane manner when he enquired about the non-entrustment of the job profile promised to be given to him are not correct. He was satisfied with the terms and conditions of service and that is why he had resigned from the service of the ICICI Prudential. His performance level as well his conduct was not at all satisfactory. He was below average. His insubordination to the superiors was very well reflected throughout the period of his probation. He was given e-mail communications and warnings for his insubordination and lack of performance. The averment that the workman being the relationship manager was not having any occasion to approach the general public directly is denied. He was not actively participating in the training programmes. The training programme is vital for improving the performance of the employees and its non-attendance is detrimental to the interest of the bank. Explanation was called for from him vide e-mail dated 21.08.2010 for his failure to attend the training programme. He was counselled several times to improve his performance and his conduct towards his superiors. He had to submit the DAR to the area sales manager. It is an essential part of his duty but he was not submitting it in spite of several e-mail communications. E-mail communication dated 15.09.2010 was sent to him asking

his explanation for not terminating him from service by invoking Clause 7(iii) of the appointment letter dated 04.06.2010 owing to poor performance in the business, insubordination to his superiors and non-attendance of training programmes. He did not respond and hence his service was terminated by issuing termination order dated 25.09.2010. He had violated the conditions of appointment in Clause 6(i) of the appointment letter. The allegation in the claim statement that he had not received any notice before termination is wrong. The allegation that he has not received salary and conveyance allowance is denied. He is not entitled for three months' notice or three months' salary in lieu of notice since he was terminated from service by invoking Clause 7(iii) of the appointment letter. The transfer to Kattampally branch was not on account of revenge as alleged by him. He was never been asked by the management bank to resign from service. He was on probation for a period of 12 months as per the terms and conditions of the appointment letter. The confirmation was subject to the satisfactory performance and conduct of the workman. He was not terminated illegally and hence he is not entitled to any relief as claimed by him.

6. Workman filed rejoinder denying the contentions in the written statement and reaffirming the allegations in the claim statement.

7. Evidence, both oral and documentary, was adduced from both sides. From the side of the workman he was examined as WW1 and Exts.W1 to W6 were marked. For the management one witness was examined as MW1 and Exts.M1 to M11 were marked.

8. The points for determination are:

- (i) Whether the workman will come within the purview of the definition under Section 2(s) of the Industrial Disputes Act?
- (ii) Whether the termination of his service is to be in accordance with Section 25F of the Industrial Disputes Act?
- (iii) Whether the workman is entitled to any relief?

9. **Point No.(i):**-Maintainability of the reference itself depends upon the question as to whether the workman is one coming within the purview of the definition of 'workman' under section 2(s) of the ID Act. He was appointed as relationship manager in the service of the management bank vide appointment letter dated 04.06.2010, marked as Ext.W1 from the side of the workman and the copy of which was marked as Ext.M2 from the side of the management. His duties and responsibilities are stated in para 6 of the appointment letter. It is expressly stated therein that his duties are entirely managerial in nature. Para 6(i) in it is relevant to consider whether he is a workman and hence the same is extracted below:-

- "(i) Your duties are entirely managerial in nature and the Bank will expect you to work with a high standard of initiative, efficiency and economy and

encourage and motivate people under you to achieve optimum output. You will perform, observe and confirm to such duties, directions and instructions assigned or communicated to you by the Bank and those in authority over you."

10. It is expressly stated that his duties are entirely of managerial nature. His total emoluments per annum is Rs. 4,25,000/-. So from Ext.M2 it is very clear that the duties are of managerial in nature and also in a supervisory capacity with salary and allowances amounting to Rs. 4,25,000/- per annum.

11. In paragraph 2 of the claim statement it is alleged that at the time of appointment he was informed that he would be in charge of four branches and would be assisted by four relationship officers, but he was not entrusted with the responsibility of any of those branches. The workman when examined as WW1 has stated during his cross examination that he was in manager cadre for supervising the work of eight Assistant Managers. It was asserted by him that he was in manager cadre and the subordinate officers had to submit DAR to him. The allegation that he was not given charges of four branches is not proved by adducing any convincing evidence. There is ample evidence in this case to prove that he was discharging managerial functions and was supervising the work of assistant relationship managers. Even though it was stated by him that he was assigned with the duty to canvass business it cannot be accepted as true in view of the express allegations made in Para-5 of the claim statement that he being the relationship manager had no occasion to approach the general public directly. In paragraph 3 of the proof affidavit of MW1 it is averred that the workman was given the work as offered at the time of interview and as mentioned in the appointment letter and hence he is not a workman under the ID Act. He was not cross examined by the workman and hence the same can also be relied on to prove that he was discharging duties of managerial nature.

12. In view of the aspects discussed above it can very well be held that the workman was employed mainly in a managerial or administrative capacity and also in a supervisory capacity drawing wages of more than ₹10,000/- per mensem. He was discharging the functions mainly of a managerial nature. Hence he will not come within the purview of the definition of 'workman' under section 2(s) of the Industrial Disputes Act.

13. Point No.(ii):-It is not in dispute that he was terminated from service by issuing termination order dated 25.09.2010, copies of which were marked as Ext.W2 and Ext.M11. The termination was not in accordance with the provisions contained in section 25F of the Industrial Disputes Act. As it is already found that he is not a workman as defined under the provisions of the Industrial Disputes Act there is no question of complying with the mandatory requirements as provided under section 25F of the Industrial Disputes Act. The legality and

justifiability of the termination of his service in the management bank cannot be decided in this reference.

14. Point No.(iii):-As it is found that he is not a workman as defined under section 2(s) of the Industrial Disputes Act he is not entitled to any relief in this case.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 21st day of October, 2014.

D. SREEVALLABHAN, Presiding Officer

APPENDIX

Witness for the workman

WW1 28.01.2014 Shri C Babumon

Witness for the management

MW1 25.06.2014 Shri Vinod Anilkumar

Exhibits for the workman

- W1 - Appointment letter No.DLB/HR/610004 dated 04.06.2010 issued by the Senior Vice President-HR, Dhanlaxmi Bank Ltd., Thrissur to the workman
- W2 - Copy of Termination Order No.PER:CON: 2024:2010-11 dated 25.09.2010 issued by the Senior Vice President - HR, Dhanlaxmi Bank Ltd., Thrissur to the workman
- W3 - Copy of Exit Management Process
- W4 - Copy of letter dated 08.10.2010 addressed to the Assistant Central Labour Commissioner, Kakkanad, Ernakulam by the workman
- W5 - Copy of the reply letter dated Nil addressed to the Assistant Labour Commissioner (Central), Office of the Regional Labour Commissioner(Central), Kendriya Shram Sadan,Olimughal, Kakkanad, Kochi by the management bank
- W6 - Copy of the Minutes of Conciliation Proceedings held on 29.12.2010 with the management bank and the workman

Exhibits for the management

- M1 - Copy of the E-mail communication as to the offer of appointment dated 19.03.2010 sent by the Manager-Human Resources, Dhanlaxmi Bank Ltd., Corporate Office, Thrissur to the workman
- M2 - Copy of the appointment letter No.DLB/HR/ 610004 dated 04.06.2010 issued by the Senior Vice President-HR, Dhanlaxmi Bank Ltd., Thrissur to the workman

- M3 - Copy of the e-mail communication dated 14.09.2010 regarding the performance of the workman from Shri Jimmy Dominic to Shri Sreekanth T V
- M4 - Copy of the e-mail communication dated 14.09.2010 from Shri Sreekanth T V to Shri Jimmy Dominic
- M5 - Copy of the e-mail communication dated 14.09.2010 regarding the performance of the workman from Shri Jimmy Dominic to Shri Sreekanth T V
- M6 - Copy of the e-mail communication dated 21.08.2010 from Shri Jimmy Dominic to the workman
- M7 - Copy of the the e-mail communication dated 21.08.2010 from the workman to Shri Jimmy Dominic
- M8 - Copy of the e-mail communication dated 21.08.2010 from Shri Jimmy Dominic to the workman and another
- M9 - Copy of the e-mail communication dated 14.08.2010 from Shri Jimmy Dominic to the workman
- M10 - E-mail communication dated 20.09.2010 sent by the Sr.Vice President-HR, Dhanlaxmi Bank to the workman
- M11 - Copy of Termination Order No.PER:CON: 2024:2010-11 dated 25.09.2010 issued by the Senior Vice President - HR, Dhanlaxmi Bank Ltd., Thrissur to the workman

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईआरसीटीसी प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकता के पंचाट संदर्भ संख्या (64/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 प्राप्त हुआ था।

[सं. एल-41012/46/ 2013-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November 2014

S.O. 3113.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of IRCTC and their workmen, received by the Central Government on 24/11/2014.

[No. L-41012/46/2013 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 64 of 2013

Parties: Employers in relation to the management of
IRCTC, Regional Office

AND

Their workmen

Present: Justice Dipak Saha Ray,
....Presiding Officer

Appearance:

On behalf of the : Ms. Paushali Banerjee, Ld.
Management Counsel on behalf of IRCTC,
Regional Office.

On behalf of the :
Workmen

State: West Bengal.

Industry: Railways.

Dated: 10th November, 2014.

AWARD

By Order No.L-41012/46/2013-IR(B-I) dated 09.12.2013 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action on the part of the mgt of IRCTC and the contractor Swastika Enterprise Kolkata both jointly taking action not to re-engage Shri Tushar Kant Behera, Data Entry Operator with them either through contractor or IRCTC directly is legal and justified? To what relief the workman is entitled?"

2. When the case is taken up today, none appears either on behalf of the workman or M/s. Mind Mart (Allied Manpower Service Provider) or M/s. Swastika Enterprises (Consultancy Organization) inspite of service of notice though the IRCTC, Regional Office is represented by its Ld. Counsel. It appears from the record that none ever appeared nor any step was taken on behalf of the workman concerned to proceed with this reference. From the above facts and circumstances it is clear that the concerned workman at whose instance this reference case has been initiated is not at all interested to proceed with this reference. So, no fruitful purpose will be served in keeping the matter pending.

3. In view of the above facts and circumstances the present reference is disposed of by passing a "No Dispute Award".

Justice DIPAK SAHA RAY, Presiding Officer
Kolkata, the 10th November, 2014

नई दिल्ली, 28 नवम्बर, 2014

SCHEDULE

का.आ. 3114.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीकमागलर कोडागु ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट (संदर्भ संख्या 78/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 प्राप्त हुआ था।

[सं. एल-12012/70/2008-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.78/2008) of the **Cent.Govt.Indus.Tribunal-cum-Labour Court, Bangalore** as shown in the Annexure, in the industrial dispute between the management of **Chikmalur Koddagu Grameena Bank**, and their workmen, received by the Central Government on 24/11/2014.

[No. L-12012/70/2008 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE**BEFORE THE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**

DATED : 17th NOVEMBER 2014

PRESENT : Shri S N NAVALGUND
Presiding Officer**C R No. 78/2008**

I Party

II Party

Sri S Lokesh Kumar,	The Chairman,
S/o Sri N Swamy Gowda,	Chikmagalur Kodagu
No. 18/71, Sudarshan	Grameena Bank,
Extension,	P B No. 111, I G Road,
MADIKERE - 571 201.	CHICKMAGALUR - 577 101.

AppearancesI Party : **Shri D P Prasanna**
AdvocateII Party : **Shri N Srinivasa Rao**
Advocate**AWARD**

1. The Central Government vide order No. L-12012/70/2008-IR(B-I) dated 18.12.2008 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

"Whether the action of the management of Chikmagalur Kodagu Grameena Bank in dismissing the services of Sri S Lokesh Kumar w.e.f. 01-01-1999, is legal and justified? If not, to what relief he is entitled to?"

2. On receipt of the reference while registering it in CR 78/2008 when notices were issued to both the parties they entered their appearance through their respective advocate and I Party filed his claim statement on 08.11.2010 and II Party filed its counter statement on 06.12.2010.

3. The brief facts leading to this reference and award may be stated as under.

4. The I party while working as Messenger cum Sweeper at II Party Office at Chickmagalur was served with charge sheet dated 07.04.1998 as under :

"Charge Sheet

You had worked as Messenger-cum-Sweeper of our Madikeri Branch for the period from 02.07.1993 to 08.01.1998.

Article of Charge No. 1

That you have temporarily misappropriated various amounts aggregating Rs. 8500/- entrusted to you by Sri M Ponner, C/o Chitra Lodge, Main Road, madikeri, a prospective customer of our Madikere Branch during the period from September 1997 to December 1997.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 2

That you have temporarily misappropriated various amounts aggregating Rs. 2000/- entrusted to you by Sri G Kumar, C/o Chitra Lodge, main Road, Madikeri, a prospective customer of our Madikeri Branch, during the period from 5.11.1997 to 29.12.1997.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 3

That you collected the proceeds of Rs. 800/- each in respect of OBC 21:110:97-98 dated 14.10.1997 and OBC:21:123:1997-98 dated 03.11.1997 of our Bokeri Branch sent for collection to Madikeri Branch from Madikeri Town Co-operative Bank Limited, Madikeri, on 10th October 1997 and 5th November 1997 respectively. That you failed to remit the said amounts on the respective dates of collection and finally remitted the aggregative amount of Rs. 1600/- only on 11th November 1997 and thereby temporarily misappropriated the Bank funds.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 4

That you misappropriated an amount of Rs. 400/- entrusted to you by Sri J Ravi C/o B Swamy, Madikeri, a prospective customer of our Madikeri Branch during the period from August 96 to 03.03.1998.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985."

Though the I party by his reply dated 16.04.1998 admitted the charges qualified it saying that it occurred due to his misunderstanding the Disciplinary Authority ordered to face enquiry by appointing Sh. K Chandrakanth Nayak as Enquiry Officer and Sh. N Krishna Pai as Presenting Officer. The Enquiry Officer securing the presence of CSE/I Party and the Presenting Officer on 06.08.1998 while observing the formalities of preliminary hearing when asked him whether he confirm the admission of charges given by him through his reply to the charge sheet dated 16.04.1998 he agreed in other words he confirmed having accepted the charges levelled against him, the Enquiry Officer on the same day while receiving the documents tendered by the Presenting Officer with the consent of the CSE/I Party marking them as Ex M-1 to Ex M-34 the detailed description of which are narrated in the Annexure and as CSE/I Party submitted that he has no defence to make he concluded the enquiry and submitted his enquiry finding dated 01.09.1998 to the

Disciplinary Authority charge being proved. Then the Disciplinary Authority while sending the copy of the enquiry finding to the CSE called upon him to give his comments/reply within 15 days through his letter dated 07.09.1998 and as he gave his reply dated nil received by the Disciplinary Authority on 02.11.1998 stating that he has nothing to say and as he has sufficiently repented for his action and requested to view leniently the Disciplinary Authority by his proceedings dated 20.11.1998 arrived at conclusion of proposing the punishment of Dismissal and gave a show cause notice as to why he should not be dismissed from service. On his reply dated 30.11.1998 wherein also he has not disputed the charges levelled against him and claimed leniency on the same day giving him a personal hearing, on 01.01.1999 he passed the order Dismissing him from Service. Then the I party approached the ALC(C), Mangalore with conciliation petition which ended by his submission of failure report dated 21.04.2008 the ministry made this reference for adjudication.

5. The I party in his claim statement since contended his confessional statement was obtained by coercion using undue influence assuring the continuance of his services, the finding of the Enquiry Officer being given without examining any witnesses the same is perverse and the punishment imposed is disproportionate while raising a Preliminary Issue as to

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

After receiving the evidence adduced by both the sides and hearing the arguments addressed for both the sides by order dated 13.10.2011 since it came to be answered in affirmative holding that the Domestic Enquiry conducted by the II party against the I Party is fair and proper the I Party was called upon to lead evidence on victimization if any and being not gainfully employed, on his advocate filing his affidavit and examining him on oath as WW 1 (V) and the learned advocate submitting that there is nothing in his affidavit being victimized he has no cross-examination and also no rebuttal evidence the learned advocate appearing for both sides filed their written arguments wherein they have reiterated the averments made in the claim statement and contention of the counter statement.

6. In view of the Domestic Enquiry being held as fair and proper the points now that arises for my consideration are :

Point No. 1 : Whether the finding of the Enquiry Officer the charge being proved on the basis of the admission of charges before him is perverse?

Point No. 2 : If not, whether the punishment imposed is disproportionate to the misconduct proved against the I party?

Point No. 3 : What Order/Award?

7. On appreciation of the pleadings, evidence brought on record in the Domestic Enquiry and arguments put forward by the learned advocates appearing for both the sides my finding on Point Nos. 1 and 2 are in the Negative and Point No. 3 is as per the final order for the following.

REASONS

8. As already adverted to by me above the CSE/I Party on receipt of the charge sheet by way of his reply to the Disciplinary Authority conceded to the charges levelled against him qualifying it that it was due to his misunderstanding and even before the Enquiry Officer he confirmed his acceptance of the charges and submitted that he has no defence to make and during the enquiry on the Domestic Enquiry issue before this tribunal since he failed to demonstrate that the confession/ acceptance of charges by him was outcome of any persuasion or undue influence as claimed in the claim statement that issue came to be answered against him his claim that he had not accepted the charges voluntarily being not accepted there was no need for the Enquiry Officer to proceed to record the evidence of management witnesses and as the CSE/I Party consented to exhibit the documentary evidence he received them by exhibiting them as Ex M-1 to Ex M-34 and considering them he has given his finding charge being proved. The Enquiry Officer having regard to the plea of the acceptance of charges by the CSE/I Party and discussing the documentary evidence tendered by the management by his detailed finding held the charges as proved. The learned advocate appearing for the I Party failed to demonstrate how his finding could be termed as baseless or perverse. Under the circumstances, I have no reason to say or term the finding of the Enquiry Officer charge is proved as baseless or perverse. Since the charges against the I Party was of temporary misappropriation of the customers money collected by him in a banking institution continuing such person in service being dangerous the decision arrived at by the Disciplinary Authority by giving cogent reasons in his order proposing the punishment of Dismissal as well as in the order of dismissal passed by him cannot be said to be unreasonable or disproportionate to the misconduct proved against the I party. Under the circumstances, since I find no reason to set aside the enquiry finding or to term the punishment of dismissal as disproportionate; I proceed to pass the following

ORDER

The Action of the management of Chikmagalur Kodagu Gramina Bank in dismissing the services of Sri S Lokesh Kumar w.e.f. 01.01.1999 is legal and justified and that he is not entitle for any relief.

(Typed to my dictation by U D C, corrected and signed by me on 17th November 2014)

S. N. NAVALGUND, Presiding Officer

ANNEXURE - I

Witnesses examined on behalf of II Party:

MW 1 - Chandrakanth Nayak, Enquiry Officer

Witnesses examined on behalf of I Party:

Nil

Documents exhibited in the Domestic Enquiry on behalf of management:

- | | | |
|---------|---|--|
| Ex M-1 | : | Complaint letter dated 30.12.1997 of Sri Ponner |
| Ex M-2 | : | Fictitious Savings Pass Book issued to Sri Ponner bearing SB Account No. 2925 |
| Ex M-3 | : | Fictitious Savings Bank Account opening form held in the name of Sri M Ponnar |
| Ex M-4 | : | SB Ledger Folio of SB Account No. 2925 |
| Ex M-5 | : | Photostat copy of SB Account opening form and specimen signature card originally held in the name of Sri Cheluvamani V R at our Madikeri Branch |
| Ex M-6 | : | Letter dated 01.01.1998 received from Sri S Lokesh Kumar |
| Ex M-7 | : | Complaint letter dated 30.12.1997 of Sri G Kumar |
| Ex M-8 | : | Fictitious S B Pass Book issued to Sri G Kumar bearing SB Account No. 2951 |
| Ex M-9 | : | Fictitious SB Account opening form held in the name of Sri G Kumar bearing S B Account No. 2951 |
| Ex M-10 | : | SB ledger Folio of SB Account No. 2951 |
| Ex M-11 | : | Photostat copy of the SB Account opening form and specimen signature card originally held in the name of Sri M M Kaleem Ahmed at Madikeri Branch |
| Ex M-12 | : | Cash Credit Challan bearing No. 10976 dated 29.12.1997 for Rs. 7500.00 for credit of suspense creditor account of M Ponner |
| Ex M-13 | : | Cash Credit challan bearing No. 10977 dated 29.12.1997 for Rs. 2000.00 for credit of Suspense creditor account of Sri G Kumar |
| Ex M-14 | : | Letter dated 30.12.1997 from Manager, madikeri Branch |
| Ex M-15 | : | Copy of the folio Nos. 142, 143, 144 and 145 of Register of Cheques and drafts received for collection at Madikeri Branch |

- Ex M-16 : Copy of the Branch advice No. 726 dated 11.11.1997 for Rs. 1600.00 of Madikere Branch
- Ex M-17 : Cash Credit Challan No. 249762 dated 11.11.1997 for Rs. 800.00 for credit of Head Office General Account, Boikeri Branch being the OBC 20/23/97.
- Ex M-18 : Cash Credit Challan No. 249763 dated 11.11.1997 for Rs. 800.00 for credit of Head Office General Account, Boikeri Branch being the OBC 20/110/97.
- Ex M-19 : Copy of the cheque collection forwarding letter of Boikeri Branch, dated 14.10.1997 alongwith copy of the Cheque bearing No. 019539/5/7/1997 for Rs. 800.00 of OBC 21:110:1997-98
- Ex M-20 : Copy of Cheque collection forwarding letter of Boikeri Branch dated 03.11.1997 alongwith copy of the cheque bearing No. 01692:5:8:97 for Rs. 800.00 of OBC:21:123:1997-98
- Ex M-21 : Letter dated 11.11.1997 of Sri C Lokesh Kumar, Chiko Bank, Madikeri
- Ex M-22 : Report dated 02.01.1997 of Sri D A Ramachandra Murthy, Officer, Inspection Department, Head Office, Chikmagalur.
- Ex M-23 : Complaint letter dated 23.02.1998 of Sri J Ravi
- Ex M-24 : Fictitious SB Pass Book issued to Sri J Ravi
- Ex M-25 : Letter dated 28.02.1998 of the Manager, Madikeri Branch
- Ex M-26 : Letter dated 17.03.1998 of Sri S Lokesh Kumar
- Ex M-27 : Report dated 21.03.1998 of Sri D A Ramachandramurthy, Officer, Inspection Department, Head Office
- Ex M-28 : Photostat copy of the SB Ledger folio of Account No. 2849 originally held in the name of Smt. K G Parvathy at Madikeri Branch
- Ex M-29 : Photostat copy of SB Account opening form and SB specimen signature card of Account No. 2849
- Ex M-30 : Letter dated 20.03.1998 submitted by Sri D A Ramachandra Murthy, Officer, Inspection Department
- Ex M-31 : Cash Credit Challan No. 203210 dated 20.02.1998 for credit of SB Account No. 2849 in the name of Sri J Ravi at Madikeri Branch

- Ex M-32 : Cash Credit Challan No. 190981 dated 03.03.1998 for credit of Suspense Creditors Accounts of Sri J Ravi, at Madikeri Branch
- Ex M-33 : Letter written by Sri K P Aiyyanna, E-7, Clerk, Chikmagalur Kodagu Grameena Bank, Madikeri Branch
- Ex M-34 : Letter written by Sri K P Aiyyanna, E-7, Clerk, Chikmagalur Kodagu Grameena Bank, Madikeri Branch.

Documents exhibited on behalf of the CSE in Domestic Enquiry :

Nil

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई एन जी वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 01/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 प्राप्त हुआ था ।

[सं. एल-12012/156/2006-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of ING Vysya Bank Limited and their workmen, received by the Central Government on 27/11/2014.

[No. L-12012/156/2006-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 10th November, 2014

PRESENT : Shri S N NAVALGUND,
Presiding Officer

C R No. 01/2007

I Party

Shri M A Suryanarayana
Shastri, S/o M S
Anatharama Shastri,
"Sree Rama Krupa",

II Party

The Vice President,
ING Vysya Bank Limited,
22, M G Road,
BANGALORE - 560 001.

3/1, I Main Road,
4th Cross, Govindaraja
Nagara, Vijaynagar Post,
Bangalore - 560 040.

Appearances :

I Party : Shri V S Naik,
Advocate

II Party : Shri B C Prabhakar,
Advocate

AWARD

1. The Central Government vide order No. L-12012/156/2006-IR(B-I) dated 07.12.2006 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

SCHEDULE

"Whether the management of ING Vysya Bank Limited is justified in dismissing Shri M A Suryanarayana Shastry from service? If not, to what relief he is entitled to?"

2. On receipt of the reference while registering it in CR 01/2007 when notices were issued to both the sides, they entered their appearance through their respective advocates and I party filed his claim statement on 07.05.2007 and II Party filed its counter statement on 09.09.2010.

3. The I Party in his claim statement asserts that he joined the services of the II Party on 03.05.1979 at K G Road Branch and in the year 1984 he was transferred to Hunsur Branch and later to Mysore Main Branch in the year 1993. He further asserts that management had issued him Articles of Charges dated 18/20.12.2001 and 25/26.02.2002 for his absenteeism from duty from 08.07.2001 to 07.09.2001 and 18.12.2001 to 01.02.2002 without prior permission or sanction of leave under 19.5(e) and 19.5(p) of Bipartite Settlement though he wanted to avail VRS as notified by the management during March 2002. He also states that he was unauthorisedly absent from duty for the said period due to ill-health of his wife and same was also stated in the Domestic Enquiry and requested to take lenient view in this regard and without considering them the II Party management Dismissed him from service on 07.09.2002 and then conciliation was initiated which ended in failure and later Government of India referred this reference for adjudication and as he is unemployed he be reinstated with continuity of service and all other consequential benefits with full back wages from the date of dismissal from service. INTER ALIA, the II Party in its counter statement without disputing the fact that I Party was appointed on 03.05.1979 states that though a lenient view was taken for his unauthorized absence from duty in the year 2001 by way of censure he again

remained absent from duty as mentioned by the I Party and was issued with charge sheet and enquiry was initiated against him and after affording fair and proper opportunity he was Dismissed from Service. Having regard to the certain allegations made by the I Party in his claim statement touching the Domestic Enquiry a Preliminary Issue was framed as to

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

4. On the above said Preliminary Issue while receiving the evidence of II Party and on a Memo being filed for the I Party conceding the fair of Domestic Enquiry, by order dated 05.07.2011 same being answered in the affirmative holding that the Domestic Enquiry was fair and proper the learned advocate appearing for the I Party on the points of victimization and being not gainfully employed while filing the affidavit of I Party examined him on oath as WW 1 (v) and in his cross-examination counsel for II Party by way of confrontation getting exhibited Show Cause Notice dated 14/15.12.2000 issued to the first party; Medical certificate dated 14.05.2001 given by the Bassappa memorial hospital certifying that the first party is fit to work; Memo dated 11.06.2001 issued by the second party bank calling upon the first party to give explanation for his unauthorised absence; the order dated 07.07.2001 of the second party bank regarding unauthorised absence of the first party; Article of charge dated 24/27.08.2001 issued to the first party and Order dated 29.10.2001 of the Disciplinary Authority as Ex M-20 to Ex M-25 respectively did not lead any rebuttal evidence and both sides learned advocates addressed their arguments.

5. It is borne out from the records that the Vice President who happens to be the Disciplinary Authority issued two charge sheets against the I Party one dated 18.12.2001 for unauthorised absence from 08.07.2001 to 07.09.2001 and another from 18.12.2001 to 01.02.2002 and as no explanation was offered except simply submitting leave applications stating that he could not attend due to some family problems initiating the Domestic Enquiry as he accepted the charges and requested to view leniently on the ground that he could not attend due to his wife's health condition and to accept the VRS application concluding the enquiry he held the charges being proved and after giving the opportunity of hearing imposed the punishment of Dismissal and on Appeal the Appellate Authority while giving cogent reasons upheld the order of the Disciplinary Authority and dismissed the Appeal, then the I Party since approached the ALC(C), Bangalore and as the conciliation failed the ministry made this reference for adjudication.

6. On appreciation of the pleadings and material available on record in the light of the arguments put forward by the learned advocate appearing for both sides, I have arrived at conclusion the management being justified in dismissing the I Party for the following

REASONS

7. There is no dispute the I Party having remained unauthorised absent for the period 08.07.2001 to 07.09.2001 and 18.12.2001 to 01.02.2002 covered under the two different charge sheets issued to him and it is borne out from the records that after service of the first charge sheet on 21.12.2001 he just gave an application to grant him privilege leave from 18.12.2001 to 10.01.2001 on the ground that due to some family problems he could not attend his duty and later on 15.01.2002 he sent another letter to extend leave upto 19.01.2002 without assigning any reasons. If at all he had any such family problems that reasonably prevented him to attend the duty he could have explained the same and if possible produce evidence to substantiate the same but both are absent in his application for leave and extension of leave dated 21.12.2001 and 15.01.2002. Even when he was summoned to face the Domestic Enquiry he did accept the charges and submitted that he regret for the unauthorised absence and to accept his VRS application on humanitarian grounds. During the course of arguments his learned advocate also submitted that after service of charge sheet the I Party having applied for VRS on 11.03.2002 instead of imposing such harsh punishment of Dismissal from Service his VRS ought to have been accepted and relieved him of the job. It is borne out from the admitted facts even earlier he had remained unauthorised absent and was 'censured', therefore, the contention/argument on behalf of the I Party that this time also taking lenient view he would have been permitted to go on voluntary retirement has no force. A person to seek Voluntary Retirement must have a clear record and when he had remained unauthorised absent of two spells spreading over 107 days who was even prior to this censured his claim that he would have been admonished of unauthorised absence and permitted to go out on voluntary retirement is unacceptable. Under the circumstances having found no reasonable excuse for the long unauthorised absence of the I Party the II Party did not commit any error in imposing the punishment of Dismissal. In the result, I pass the following

ORDER

The Reference is Rejected holding that the action of the management of ING Vysya Bank Limited is justified in dismissing Shri M A Suryanarayana Shastry from service is legal and justified and he is entitle for any other relief.

(Typed to my dictation by U D C, corrected and signed by me on 10th November 2014).

S N NAVALGUND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचाट (संदर्भ संख्या 04/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 प्राप्त हुआ था।

[सं. एल-12012/182/2002-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3116.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.: 04/2003) of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 27/11/2014.

[No. L-12012/182/2002 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 11th November, 2014

PRESENT : Shri S. N. NAVALGUND,
Presiding Officer

C. R. No. 04/2003

I Party

Sh. K. Pandian, Organiser,
State Bank of India
Ambedkar Union,
State Bank of India,
M. G. Road Branch,
Bangalore - 560 001.

II Party

The Assistant General
Manager,
State Bank of India,
Regional Zonal Office,
No. 48, Church Street,
Bangalore - 560 001.

Appearances :

I Party : Shri Muralidhara
Advocate

II Party : Shri J. Satish Kumar,
Advocate

AWARD

1. The Central Government vide order No. L-12012/182/2002-IR(B-I) dated 27.01.2003 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following:

SCHEDULE

"Whether the management of State Bank of India is justified by imposing the punishment of reduction

of two increments, on Shri V Sigamani, Armed Guard cum Messenger with effect from 10/01/2000 for the alleged misconduct? If not, what relief the workman is entitled?"

2. On receipt of the reference and registering it in C R 04/2003 when notices were issued to both the sides, they entered their appearance through their respective advocates and I Party filed his claim statement on 04.04.2003 and II Party filed its counter statement on 28.09.2004.

3. The brief facts leading to this reference and award may be stated as under :

4. While Sh. V Sigamani, Armed Guard cum Messenger (hereinafter referred as I Party workman) with the II Party while serving at its Dooravaninagar Branch on 05.03.1999 was served with Charge Sheet as under

"It is alleged that while you were on armed guard duty, with a loaded gun, at our Kumara Park Branch, on 7.1.99 at about 3.30 p.m. you approached Sri K. Rajaram, (Armed Guard), who was also on Armed Guard duty with a loaded gun, with "Watchman Duty Allotment Register" and picked up an argument with him and questioned him as to who asked him to come for duty and who asked him to write the Register. Sri. Rajaram replied that he has been writing the Register as per the instructions of Dy. Manager (Cash), Sri H M Ravindra. Then both of you started walking to the cabin of Dy. Manager (Cash). While walking through the Banking Hall outside the counters, in a fit of anger, you reportedly abused Sri. Rajaram in Tamil: "Ungamma thevidia pillai, unga pondati seria arivu kathkuduthu illai" which roughly translates into English as "Your mother child of a prostitute, your wife did not teach you well". When Sri. Rajaram protested, you strongly punched in the stomach of Sri. Rajaram with your right fist, Shouting at each other, both entered the cabin of Dy. Manager (Cash). Then, you, in a high pitched voice, questioned the Dy. Manager (Cash) that the allotment of duty was not proper and why Dy. Manager (Cash) was asking only Sri Rajaram to enter in the Register and why not yourself. After such argument, Dy. Manager (Cash) asked both of you to go to your respective positions. While going through the Banking Hall, near the Accountant's table, suddenly, you forcefully slapped Sri. Rajaram's left cheek with your right hand. That the above incidents occurred when both of you and Sri Rajaram were carrying loaded guns is all the more serious.

If proved, the above narrated incidents will be construed as gross misconduct vide para 521(4)(c) and (e) of Sastry Award, read in conjunction with para 18.28 of Desai Award and VI Bipartite Agreement.

You are called upon to submit your statement of defence within 7 days from the date of receipt of this chargesheet, failing which the Bank will take further action as it deems fit.

Please acknowledge receipt of this chargesheet on the duplicate hereof.

Yours faithfully,

Sd/-

Asst. General Manager, Region-I,
Disciplinary Authority"

5. Since the I Party workman gave his reply stating that he deny the charges without any explanation to the alleged incident Disciplinary Authority being not satisfied with the same the Disciplinary Authority appointing Sh. N R Karunakaran as Enquiry Officer and Sh. A N Vasudevan as Presenting Officer ordered him to face disciplinary enquiry. The Enquiry Officer while securing the presence of the I Party workman after observing the formalities of preliminary hearing on the first date of the enquiry receiving the evidence of Sh. H M Ravindra, Dy. Manager (Cash), Smt. Indira Babu, Computer Operator, Sh. Sampath Raj, Record Keeper, Sh. Chandran, Armed Guard and Sh. Rajaram, Armed Guard as PW 1 to 5 and exhibiting Duty Register for Guards; letter sent to controlling authority regarding Police Complaint against Sri V Sigamani; letter forwarding the complaint letter lodged by Shri K Rajaram against Sri V Sigamani; Enclosure to PEx-3 complaint letter of Shri K Rajaram; letter forwarding complaint by M Krishnan & others; Complaint letter of Shri Krishnan & others (enclosed to PEX-5) and Acknowledgement from police for a complaint lodged by Shri K Rajaram as P-1 to P-7 respectively on submission of the Defence Representative that CSE/I Party workman has no evidence to present, after receiving the written briefs of the Presenting Officer and the Defence Representative submitted his finding to the effect that charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. Then the Disciplinary Authority while affording him an opportunity of hearing imposed the punishment of Stoppage of two increments without cumulative effect and on appeal to the Deputy General Manager he too after affording opportunity of hearing confirmed the order of the Disciplinary Authority. Thereafter, ALC(C), Bangalore was moved for conciliation and on its failure this reference is made for adjudication.

6. The I Party in its claim statement attacked the action of the management contending that the Domestic Enquiry was not fair and proper, that the enquiry finding is perverse and the punishment imposed is also being disproportionate. INTERALIA, the II Party in its counter statement contended all fair and proper opportunities were provided to the CSE in the Domestic Enquiry and Enquiry Officer having regard to the entire evidence placed before him has rightly come to the conclusion the charge being proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman and as this misconduct on the part of the CSE/I Party workman who was on Armed Guard Duty was being highly of indiscipline who was to maintain peace and

discipline in the premises the punishment of reduction of two increments is just and proper.

7. Having regard to the assertion of the I Party touching the fairness of the Domestic Enquiry while framing a Preliminary Issue as to.

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

After receiving the evidence adduced by both sides and hearing arguments of both sides since answered in the affirmative i.e., the Domestic Enquiry held against the I party by the II Party is fair and proper by order dated 11.08.2011 and then counsel for I Party while filing the affidavit of I Party on the point of victimization examined him on oath as WW 1 (V) and II Party counsel rest contended by his cross-examination and did not lead any rebuttal evidence the arguments on merits were heard.

8. The learned advocate appearing for the I Party while taking me through the charge, evidence adduced before the Enquiry Officer and his finding that charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman since suggest that the witnesses examined did not support the charge of shouting by the I Party workman in abusive language the other part of the charge also could not have been accepted and even otherwise the punishment imposed being excessive it has to be set aside with all consequential benefits. INTERALIA, the learned advocate appearing for the II Party vehemently urged that since the abusive shoutings by the I Party workman was in Tamil Language the witnesses who witnessed the incident and examined before the Enquiry Officer were since not acquainted with that language they could not reproduce the abusive shoutings made by him and having supported the other alleged actions of the I Party workman after shouting certain words in Tamil Language punching PW 5 Raja Ram on his stomach in the office premises creating an ugly scene the finding of the Enquiry Officer the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman cannot be termed as perverse and having regard to such unhappy incident created by the I party workman the punishment imposed by the Disciplinary Authority and affirmed by the Appellate Authority is just and reasonable as such there is no need to interfere either in the finding of the Enquiry Officer or the punishment imposed by the Disciplinary Authority affirmed by the Appellate Authority.

9. On appreciation of the pleadings, defence of the bare denial by the CSE in his reply to Charge sheet and the evidence of the witnesses given before the Enquiry Officer, I find no reason to interfere either in the finding of the Enquiry Officer or the punishment imposed by the Disciplinary Authority upheld by the Appellate Authority for the following.

REASONS

10. Though in the charge sheet the details of the occurrence alleged to have created by the I party was narrated in detail in his reply he just stated that he deny the charges levelled against him without explaining the circumstances under which the alleged incident occurred, whereas, during the cross-examination of the witnesses he tried to make out a case that there was some grievance by the I Party workman with regard to allotment of duty to him. On carefully going through the evidence given by PW 1 to PW 5 all of them except PW 2 have categorically stated as to the alleged high ended action of the I Party workman except the abusive words uttered by him in Tamil Language. Since the abusive shoutings alleged to have uttered by the I Party workman were in Tamil Language as rightly put it by the counsel for the II Party they were not able to reproduce the same while giving evidence before the Enquiry Officer as such I find no fault with the finding of the Enquiry Officer holding that the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. Only because a part of the charge regarding verbal utterances of the I Party workman could not be reproduced by the witnesses their entire veracity cannot be rejected. If at all the I Party workman has some grievance with allotment of duty to him he could have resolved it by giving representation to the concerned but the way he adopted creating scene in the office premises and punching an official on the stomach is highly unbecoming of a Guard on Duty. Under the circumstances absolutely I find no reason to term the finding of the Enquiry Officer the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. As far as the punishment imposed having regard to the proved misconduct on the part of the Guard on Duty the management is just and reasonable in imposing him the punishment of reduction of two increments, with effect from 10/01/2000. Since the finding of the Enquiry Officer is based on the evidence placed before him and the punishment imposed is found just and reasonable, absolutely I find no victimization being played against the I party by the management. In the result, I arrived at conclusion of holding that the action of the management is justified. Accordingly, I pass the following.

ORDER

The Reference is Rejected holding that the action of management of State Bank of India in imposing the punishment of reduction of two increments, on Shri V Sigamani, Armed Guard cum Messenger with effect from 10/01/2000 is legal and justified and he is not entitle for any relief.

(Typed by U D C to my dictation, corrected and signed by me on 11th November 2014)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

AWARD

का.आ. 3117.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत हेवी इलेक्ट्रिकल्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 62/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-42012/31/2013-आईआर (जीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 28th November, 2014

S.O. 3117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 62/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Heavy Electricals Limited and their workman, which was received by the Central Government on 27/11/2014.

[No. L-42012/31/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 12th November, 2014

PRESENT : K.P. PRASANNA KUMARI,
Presiding Officer

Industrial Dispute No. 62/2013

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Bharat Heavy Electricals Ltd. and their workman)

BETWEEN

Sri K. Balu : 1st Party/Petitioner

AND

The Executive Director : 2nd Party/Respondent
Bharat Heavy Electricals Ltd.
Trichirappalli-620014

Appearance:

For the 1st Party/Petitioner : M/s. Balan Haridas,
Advocates

For the 2nd Party/Respondent : M/s. T.S. Gopalan &
Co., Advocates

The Central Government, Ministry of Labour & Employment vide its Order No. L-42012/31/2013-IR(DU) dated 27.05.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the Management of BHEL, Trichy in removing Sri K. Balu from service w.e.f. 22.05.2012 is legal and justified? To what relief the workman is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 62/2013 and issued notices to both sides. Both sides have entered appearance through their counsel and filed their Claim and Counter Statement respectively.

3. The petitioner has raised the dispute claiming reinstatement in the service of BHEL at its Ranipet unit with all consequential benefits.

4. The petitioner had been removed from service by BHEL, Trichy unit after initiating action against him under Conduct, Discipline and Appeal Rules of BHEL. The petitioner has contended that action taken against him under the above enactment is illegal and without jurisdiction. The petitioner has raised it as a preliminary point and I have entered a preliminary finding on this date to the effect upholding the contention of the petitioner.

5. Once it is found that the very proceedings initiated against the petitioner has no backing of law, that the same is illegal and without jurisdiction, the petitioner is entitled to be reinstated in service. Accordingly, BHEL is directed to reinstate the petitioner in service at Ranipet unit with all consequential benefits. Back wages payable to the petitioner is restricted to 50% and the same is payable within a month. In default of payment within the time, he is entitled to interest @ 9% per annum.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th November, 2014).

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex. No.	Date	Description
	Nil	

On the Management's side

Ex. No.	Date	Description
	Nil	

शुद्धि-पत्र

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3118.—केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल (प. बंगाल) द्वारा पारित संदर्भ संख्या 88/2000, दिनांक 05.08.2014 का भारत सरकार द्वारा 12.09.2014 को अधिसूचित किए गए पंचाट को उक्त अधिकरण से प्राप्त संदर्भ संख्या 88/आई. टी. सी. (2000), दिनांक 29.10.2014 के शुद्धिपत्र के साथ संलग्न किया जाता है।

[सं. एल-22012/88/2000-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 1st December, 2014

S.O. 3118.—A reference No.88/ITC(2000) dated 29th October, 2014 received from CGIT, Asansol(WB) correcting the Award passed by the Tribunal on 05-08-2014 in Ref. No. 88/2000 which was notified by the Government of India on 12-09-2014, is annexed herewith.

[No. L-22012/88/2000-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**OFFICE OF THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANYAPUR, ASANSOL**

Ref. No. 88/ITC(2000)

Date : the 29th October, 2014

Ref: Ministry's order No. L-22012/88/2000-IR(CM-II)
This office Ref. No. 88/2000 (a copy of award enclosed)

SCHEDULE

"Whether the action of the management of Khas Kajora Colliery of M/s. ECL in dismissing Sh. Ramchandra Mallah, U.G.L. from service is legal and justified? If not, to what relief the workman is entitled?"

CORRIGENDUM

2nd para of Page No. 4 contain some typographical errors, just and proper typed as just improper, concerned becomes concern and set-a-side becomes sat aside which is now rectified.

Now the 2nd para of last page of the award will be read as :—

However I am of the considered view, that the punishment of dismissal of an unauthorized absence is harsh punishment, which is disproportionate to the alleged misconduct. In this view of matter I think it just and proper to modify and substitute the punishment exercising the law u/s. 11(a) of the Industrial Dispute Act, 1947 and

according the impugned order dismissal of the concerned workman is hereby set-a-side and he is directed to be re-instated with continuity of the service without back wages. I think it appropriate that delinquent workman be punished with stoppage of one increment without cumulative effect.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

शुद्धि-पत्र

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3119.—केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल (प. बंगाल) द्वारा पारित संदर्भ संख्या 129/2005, दिनांक 02.07.2013 का भारत सरकार द्वारा 13.08.2013 को अधिसूचित किए गए पंचाट को उक्त अधिकरण से प्राप्त संदर्भ संख्या 129/आई. टी. सी. (2005), दिनांक 02.09.2014 के शुद्धिपत्र के साथ संलग्न किया जाता है।

[सं. एल-22012/40/2005-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 1st December, 2014

S.O. 3119.—A reference No.129/ITC(2005) dated 2nd September, 2014 received from CGIT, Asansol(WB) correcting the Award passed by the Tribunal on 02-07-2013 in Ref. No. 129/2005 which was notified by the Government of India on 13-08-2013, is annexed herewith.

[No. L-22012/40/2005-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**OFFICE OF THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, ASANSOL**

Ref. No. 129/ITC(2005)

Date : the 2nd September, 2014

Ref: Ministry's order No. L-22012/40/2005-IR(CM-II)
This office Ref. No. 129/2005 (a copy of award enclosed)

SCHEDULE

"Whether the action of the management of B.M.P. Group of Mines of M/s. ECL in dismissing Sh. Dilip Bouri, Rail Mazdoor from services w.e.f. 27-12-97 is legal and justified? If not, to what relief the workman is entitled?"

CORRIGENDUM

In Line No. 2 of Page No. 3 the name of the workman may be read as "Dilip Bouri" instead of "Lala Bouri"

Now the last page of the award will be read as :—

Accordingly the Order of dismissal is hereby set aside. The management is directed to allow the workman Dilip Bouri to join in the service with 75 percentage of back wages within three months from the date of Notification.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कपास प्रौद्योगिकी पर अनुसंधान के लिए सेंट्रल इंस्टीट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/25 ऑफ 2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 01-12-2014 को प्राप्त हुआ था।

[सं. एल-42012/302/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. CGIT-2/25 of 2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Institute for Research on Cotton Technology and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/302/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI**

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/25 of 2011

Employers in relation to the Management of
Central Institute For Research on
Cotton Technology

(Indian Council of Agricultural Research)

The Director
Central Institute for Research on Cotton
Technology
(Indian Council of Agricultural Research)
Adenwala Road, Matunga
Mumbai-400 019.

AND

THEIR WORKMAN

Shri Girish M. Shinde
107, SL-4, Kalpatary Co-op. Housing
Society Ltd.
Gawan Pada
V.B. Phadeke Road,
Mulund (E),
Mumbai 400 081.

APPEARANCES:

FOR THE EMPLOYER : Mr. Suresh Kumar,
Advocate.

FOR THE WORKMAN : Mr. M. B. Anchan,
Advocate.

Mumbai, dated the 7th October, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-42012 / 302 /2010-IR (DU), dated 11.05.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Director-in-charge, Central Institute for Research on Cotton Technology, Mumbai in terminating the service of Shri Girish M. Shinde, Office Assistant w.e.f. 6/8/2010 is legal and justified? What relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both parties. In response to the notice, second party workman appeared before this Tribunal and filed his statement of claim at Ex-6. According to the workman as per the advertisement of the first party in Times of India and daily Lokmat, dated 5/1/2009 he applied for the post of Office Assistant. After the interview he was selected and appointed by the management of first party w.e.f. 27/01/2009 only monthly pay of Rs.8000/- p.m. for the project called Zonal Technology Manager and BPD Unit under NAIP functioning at CIRCOT Matunga, Mumbai. Since then the workman was working honestly and sincerely. The project was to continue till 30/6/2012 and

subsequently it was extended till 2014. The workman had worked continuously for more than 240 days. His work was satisfactory. All of a sudden the management terminated his services w.e.f. 6/8/2010. Neither he was served with show cause notice nor with any charge sheet. The management terminated his services illegally and without assigning any reason. Since then the workman is unemployed and suffered great hardship. Therefore workman has raised the dispute before ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The workman prays that the action of management terminating his service be declared illegal and not justified and he be reinstated in the service with full back wages and continuity of service.

3. The first party management resisted the statement of claim vide their written statement Ex-8. According to them the reference is not maintainable. The second party workman was engaged only for the project purpose and his engagement was purely contractual. Therefore termination of his service was as per the terms of the engagement. He was engaged for the period 24/01/2009 to 31/07/2009. His discontinuation was in accordance with the letter of appointment. They denied that the project was extended upto 30/6/2014. They denied all the contents in the statement of claim. According to them after discontinuation of service, one Mrs. Pradhnya Sawant was engaged therein the only vacancy. She is working in place of the workman. Therefore she is necessary party to this reference. According to them the provisions of Section 25 F of I.D. Act of 1947 is not applicable to the persons engaged in the project as it is for a specific period. There is also no concept of deemed continuation in such service. The allegations made in the statement of claim are false. The workman could have applied again for the said post. However he did not apply. The claim of the workman is devoid of merit. Therefore they pray that the reference be rejected.

4. Workman filed his rejoinder at Ex-9. He denied the contents in the written statement and reiterated the points in his statement of claim.

5. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the action of first party in terminating the services of the second party is legal and proper?	No
2.	If not, whether the second party is entitled to be reinstated in service with full back wages?	No
3.	What relief the workman is entitled to?	Compensation of Rs. 96,000

REASONS

Issue No. 1 :

6. In this respect the fact is not disputed that workman was appointed by first party on their project as Office Assistant w.e.f. 27/01/2009 on monthly salary of Rs.8000/-. The fact is also not disputed that the services of the workman were terminated on 6/8/2010. The letter of appointment is at Ex-13 and office order terminating the services of workman is at Ex-14. In this case fact is also not disputed that the termination of services is not for any misconduct of misbehavior or wrong on the part of the workman. Therefore question of issuing any show-cause notice or serving any charge-sheet does not arise. According to the first party his appointment was for a specific period upto 31/7/2009. Therefore they discontinued his service since 6/8/2010. In this respect I would like to point out that the workman has worked continuously for 240 days. His services were not discontinued on 31/7/2009. On the other hand he worked for more than a year thereafter. In this back drop it cannot be said that his service was for a fixed period till 31/7/2009. He was allowed to continue till 6/8/2010. As he has worked for more than 240 days he was well entitled to the protection under Section 25-F of the I.D. Act. The fact is also not disputed that the first party has not followed the procedure prescribed under Section 25-F. Neither workman was served with notice nor notice pay and one month's wages and retrenchment compensation was paid to him.

7. In this respect M.P. High Court ruling can be resorted to in M.P. Road Transport Corporation Indore V/s. Anil 2009 (122) FLR 369 MP Indore Bench wherein a badli employee who has rendered continuous service of more than 240 days during a calendar year before termination, the Hon'ble Court held that, even such employee is entitled to the protection under Section 25-F of the I.D. Act and termination of his service without following the procedure prescribed under Section 25-F is illegal.

8. On the point Apex Court ruling also can be resorted to in Divisional Manager, New India Assurance Company Limited V/s. A.Sankaralingam, (2008) 10 SCC 698, the Apex Court has considered the question of part-time employment and held that the person employed on part-time basis under the control and supervision of an employer is a workman in terms of Section 2(s) of the Act of 1947 and is entitled to claim the protection of Section 25-F thereof. The preponderance of judicial opinion is that a workman working even on part-time basis would be entitled to the benefit of Section 25-F of the Act. In the circumstances, I hold that termination or discontinuation of services of the workman is not legal. Accordingly I decide this issue No.1 in the negative.

Issue Nos. 2 & 3 :

9. The termination of services of the second party was found illegal. In this respect it was pointed out by

the Id. Adv. for the first party that after discontinuation of services of the second party, the said post was filled up by appointing Smt. Pradhnya Sawant. It was also pleaded in the written statement that the said workman Smt. Sawant is necessary party to this reference. According to the first party now there is no vacancy for reinstatement. Furthermore it was also pointed out that the second party workman was appointed for a fixed period and thereafter another fixed term workman was appointed. In this respect I would like to point out that if termination is illegal due to violation of provisions of Section 25-F of the I.D. Act, and when there is no vacancy in the circumstances instead of reinstatement compensation can be awarded to the workman. On the point Apex Court ruling can be resorted to in U.P. State Electricity Board V/s. Laxmikant Gupta 2009 I LLJ 593 wherein Hon'ble Apex Court on the point observed that;

"There is no such principle that for an illegal termination of service, the normal rule is reinstatement with back wages, instead the Labour Court can award compensation."

10. In this backdrop I think it proper, instead of reinstatement, compensation can be awarded to the workman. While determining the compensation I would like to take into consideration the following facts; (1) workman was not paid notice pay. (2) He was also not paid wages of one month and (3) They have also not paid retrenchment compensation to the workman. The workman till this date is unemployed and was required to fight this legal battle since last 3 - 4 years. The pay of the workman was Rs. 8000/- p.m. In the circumstances looking into the rate of inflation I think it proper to award pay of one year as compensation. It comes to Rs.96,000/-. Accordingly I decide this issue no.2 in the negative and issue no.3 in the affirmative that workman is entitled to the adequate compensation for his illegal termination. Thus I proceed to pass the following order:

ORDER

- (1) The reference is partly allowed with no order as to cost.
- (2) The termination of services of workman is hereby declared illegal.
- (3) Instead of reinstatement and back-wages, the first party is directed to pay one years' pay (i.e. Rs.96,000/-) to the workman as compensation within two months from the date of communication of this award.

Date : 07/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3121.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राष्ट्रीय

सुरक्षा परिषद् के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/55 ऑफ 2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/54/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/55 of 2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the National Safety Council and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/54/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/55 of 2010

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF NATIONAL SAFETY COUNCIL**

The Director
National Safety Council
Plot No.98-A, Institution Area
Sector-15, CBD Belapur
PO Konkan Bhavan
Navi Mumbai 400 614.

AND

THEIR WORKMEN.

Shri Darshan Pandurang Sakpal
At Post Pangari
Taluka Dapoli
Ratnagiri-415 711

APPEARANCES:

FOR THE EMPLOYER : Mr. Umesh Nabar, Advocate.

FOR THE WORKMEN : Mr. M. I. Ali, Advocate

Mumbai, dated the 20th October, 2014

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No. L-42012/54/2010-IR (DU),

dated 31.05.2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. National Safety Council in terminating the services of Shri Darshan Pandurang Sakpal w.e.f. 22/08/2005 is legal and justified? If not, what relief the workman is entitled to?"

2. The workman herein was charge-sheeted for abusing his senior official under influence of liquor. The Inquiry officer conducted the inquiry and found the charge-sheeted employee guilty of misconduct. On his report the disciplinary authority has terminated the services of the workman. His appeal was also dismissed. The workman raised industrial dispute. As conciliation failed, on report of ALC (C) the Central Labour Ministry sent the reference to this Tribunal.

3. In Award Part-I the inquiry was found fair and proper and the findings of the Inquiry Officer were also declared as not perverse. Notices were issued to both the parties to lead their evidence or submit their arguments on the point, as to whether the punishment is shockingly disproportionate to the proved misconduct? Both the parties have filed their respective arguments at Ex-39 & Ex-41.

4. In this Part-II award following are the issues for my determination. I record my findings thereon for the reasons to follow:-

Sl. Issues No.	Findings
3. Whether the punishment of termination of services of the workman is shockingly disproportionate to the proved misconduct?	Yes.
4. What order?	As per order below.

REASONS

Issue No. 3

5. In the case at hand the workman was charge-sheeted for abusing his coworkers in drunken condition. In Part-I award the inquiry was fair and proper and findings of the Inquiry Officer are held not perverse. On the point of punishment, the Id. adv. for the first party has submitted that the discipline in the organization is an important factor and as the workman has abused his senior colleagues including the Administrative Officer the said misconduct deserves major punishment like termination. In support of his argument the Id. Adv. resorted to Apex Court ruling in *Madhya Pradesh Electricity Board V/s. Jagdish Chandra Sharma* 2005 I

CLR 1074 wherein the Hon'ble Apex Court on the point of discipline at work place observed that;

"Discipline at the work place in an organization like the employer herein is the sine qua non for the efficient working of the organization. When an employee breaches such a discipline and the employer terminates his services, it is not open to a Labour Court or Industrial Tribunal to take the view that punishment awarded is shockingly disproportionate to the charges proved. Obedience to the authority in the work place is not slavery."

6. In this respect the Id. Adv. for the second party has pointed out that, in the above cited case incident had taken place when the workman therein was on duty in drunken condition and had not only abused but also assaulted his superior and inflicted injury with screw driver. Whereas in the case at hand incident had taken place on holiday and workman was not given overtime. On the other he was called from his home for cutting some trees. Neither he was on duty when found under the influence of liquor nor had assaulted anybody or his superior as in the case cited herein above. Therefore the ratio laid down therein is not applicable to the case at hand.

7. The Id. Adv. for the first party further submitted that Section 11 of the Act does not confer any arbitrary power on the Industrial Tribunal to interfere in the punishment. He further submitted that the Industrial Tribunal can interfere therein under Section 11 only when it is satisfied that the punishment imposed by the management is highly disproportionate to the decree of guilt of the workman. The ratio to that effect is laid down by Apex Court in *Bharat Heavy Electricals V/s. M. Chandrashekhar Reddy & Ors.* 2005 I CLR 959(SC) wherein Labour Court has reduced the punishment without giving findings that there was no loss of confidence or the quantum of punishment is shockingly disproportionate. In the circumstances the Hon'ble Court in that case observed that;

"Labour Court wrongly exercised its jurisdiction under Section 11-A to alter or reduce the punishment in view of the findings recorded by it that the domestic inquiry was fair and good, that misconduct was held proved and that management has lost confidence in the respondent."

8. In this respect the Id. Adv. for the first party further submitted that punishment of dismissal for using abusive language cannot be held to be disproportionate. Ratio to that effect is laid down by Hon'ble Apex Court in *Mahindra & Mahindra Ltd. V/s N.B. Nalawade* 2005 I CLR 803. In that case workman therein was dismissed from service as he was held guilty for misconduct for using abusive and filthy language against his superior in presence of sub-ordinates not only once but twice. Labour Court held that punishment was harsh and directed

reinstatement with 2/3rd back-wages. Writ Petition of employer was dismissed by High Court. The matter was taken before Hon'ble Apex Court. While allowing the appeal and restoring the order of dismissal Hon'ble Apex Court observed that :

"It is held that language used by respondent workman is such that it cannot be tolerated by any civilized society and the use of such abusive language against a superior officer in the presence of sub-ordinate cannot be termed to be an indiscipline calling for lesser punishment in the absence of extenuating factors."

9. In this respect the Ld. Adv. for the first party submitted that disorderly behavior under the influence of liquor at the workplace is treated to be a major misconduct for which punishment of termination of services can be imposed and no leniency can be shown to such employee. In support of his argument the Id. adv. resorted to Bombay High Court ruling in Bai Jerbai Wadia Hospital V/s. Shankar Ramchandra Mali 1003 I LLJ 785. The workman therein was found drunk while on duty. The Labour Court has shown leniency. On the point in para 6 of the judgement Hon'ble High Court observed that :

"Past record of the workman as disclosed is too bad to deal with him leniently. He was repeatedly warned for disorderly behavior under the influence of liquor. On one occasion he was suspended for two days."

10. The Ld. Adv. for the first party submitted that the workman herein was also found under influence of liquor earlier and was given oral warning. In spite of that there was no improvement in the behavior of the workman. Therefore the punishment of dismissal cannot be said shockingly disproportionate.

11. In this respect Ld. Adv. for the second party submitted that there is no evidence about any such past incidence. He further pointed out that, in the cases cited herein above the workmen therein had abused their superior officers under influence of liquor at the work place while on duty. However the facts in the case at hand are different. Workman herein was not on duty when the alleged incident had taken place. Admittedly it was holiday and workman was not on duty. Furthermore the abuses or filthy word are also not on record as it was pointed out in one of the above cited cases. Therefore ratio in the above referred cases not applicable to the case at hand.

12. On the point Ld. Adv. for the first party also resorted to another Apex Court ruling in B.C. Chaturvedi V/s. Union of India 1996 I CLR 389 wherein the Hon'ble Court observed that :

"The High Court/Tribunal while exercising power of judicial review cannot normally substitute its own conclusion on penalty and impose some other

penalty unless the punishment imposed by the disciplinary authority shocks the consciousness of the High Court/Tribunal."

13. In this respect I would like to point out that, the incident in the case at hand had taken place on holiday when the workman was called for some work. He was also not called for any overtime work. The workman was not on duty when the alleged incident had taken place. It was also not in presence of number of other employees. The fact is not disputed that, on holiday, the workman was called from his residence for some work. Neither he had gone there at his own nor was on duty. From the evidence on record it is clear that the workman who had drunk at his residence seems to have been called by the co-workers and it seems that, in the state of drunken condition the workman seems to have abused the co-worker when they were not on duty.

14. In the circumstances in the case at hand, the question of discipline at work place or mischief while on duty does not arise, as it was in the cases referred herein above. Therefore I come to the conclusion that the punishment of termination of services of the workman which is the source of livelihood of the workman and his family is found to be shockingly disproportionate to the proved mischief. He was not found drunk during working hours or when he was on duty. It is an important factor required to be taken in to account while awarding the punishment. In this respect, submission of the Ld. Adv. of the first party is also required to be given due consideration that, the management has lost confidence in the workman. In this backdrop to meet the end of justice, I think it proper to replace the punishment of termination of services by compulsory retirement so that workman will be no more in the service of the management and would also get the pension and other retirement benefits as per the rules. Accordingly I decide this issue no.3 in the affirmative and think it proper to modify the punishment of termination of services of the workman by compulsory retirement with all retirement benefits as per the rules. Thus the order:

ORDER

- (i) The reference is partly allowed with no order as to cost.
- (ii) The punishment of termination of services of the workman is replaced by Compulsory retirement with all pensionary and retirement benefits as per the rules.

Date: 20/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3122.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कपास प्रौद्योगिकी पर अनुसंधान के लिए सेंट्रल इंस्टीट्यूट के प्रबंधन

के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/29 ऑफ 2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/301/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D No. Ref No. CGIT-2/29 of 2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Institute for Research on Cotton Technology and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/301/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K. B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/29 of 2011

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF CENTRAL INSTITUTE FOR RESEARCH ON
COTTON TECHNOLOGY

(Indian Council of Agricultural Research)

The Director
Central Institute for Research on Cotton
Technology
(Indian Council of Agricultural Research)
Adenwala Road, Matunga
Mumbai-400 019.

AND

Their Workman

Smt. Madhuri Girish Shinde
107, SL-4, Kalpatary Co-op. Housing
Society Ltd.
Gawan Pada
V.B. Phadeke Road,
Mulund (E),
Mumbai-400 081

APPEARANCES:

FOR THE EMPLOYER : Mr. Suresh Kumar,
Advocate

FOR THE WORKMAN : Mr. M. B. Anchan,
Advocate.

Mumbai, dated the 7th October, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-42012 / 301 /2010-IR (DU), dated 23.05.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Director-in-charge, Central Institute for Research on Cotton Technology, Mumbai in terminating the service of Smt. Madhuri G. Shinde, Office Assistant w.e.f. 6/8/2010 is legal and justified? What relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both parties. In response to the notice, second party workman appeared before this Tribunal and filed his statement of claim at Ex-6. According to the workman as per the advertisement of the first party in Times of India and daily Lokmat, dated 20/4/2009 she applied for the post of Office Assistant. After the interview she was selected and appointed by the management of first party w.e.f. 20/04/2009 only monthly pay of Rs. 8000/- p.m. for the project called Value Chain for Cotton Fibre under NAIP functioning at CIRCOT Matunga, Mumbai. Since then the workman was working honestly and sincerely. The project was to continue till 30/6/2012 and subsequently it was extended till 2014. The workman had worked continuously for more than 240 days. Her work was satisfactory. All of a sudden the management terminated his services w.e.f. 6/8/2010. Neither she was served with show cause notice nor with any charge sheet. The management terminated his services illegally and without assigning any reason. Since then the workman is unemployed and suffered great hardship. Therefore workman has raised the dispute before ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The workman prays that the action of management terminating his service be declared illegal and not justified and she be reinstated in the service with full backwages and continuity of service.

3. The first party management resisted the statement of claim vide their written statement Ex-8. According to them the reference is not maintainable. The second party workman was engaged only for the project purpose and her engagement was purely contractual. Therefore termination of her service was as per the terms of the engagement. She was engaged for the period 30/10/2009. Her discontinuation was in accordance with the letter of appointment. They denied that the project was extended upto 30/6/2014. They denied all the contents in the

statement of claim. According to them after discontinuation of service, another workman was engaged and there is only one vacancy. Therefore the said workman is necessary party to this reference. According to them the provisions of Section 25 F of I.D. Act of 1947 is not applicable to the persons engaged in the project as it is for a specific period. There is also no concept of deemed continuation in such service. The allegations made in the statement of claim are false. The workman could have applied again for the said post. However she did not apply. The claim of the workman is devoid of merit. Therefore they pray that the reference be rejected.

4. Workman filed his rejoinder at Ex-9. She denied the contents in the written statement and reiterated the points in his statement of claim.

5. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the action of first party in terminating the services of the second party is legal and proper?	No
2.	If not, whether the second party is entitled to be reinstated in service with full back wages?	No
3.	What relief the workman is entitled to?	Compensation of Rs. 96,000

REASONS

Issue No.1 :-

6. In this respect the fact is not disputed that workman was appointed by first party on their project as Office Assistant w.e.f. 20/04/2009 on monthly salary of Rs. 8000/-. The fact is also not disputed that the services of the workman were terminated on 6/8/2010. The letter of appointment is at Ex-13 and office order terminating the services of workman is at Ex-14. In this case fact is also not disputed that the termination of services is not for any misconduct of misbehavior or wrong on the part of the workman. Therefore question of issuing any show-cause notice or serving any charge-sheet does not arise. According to the first party her appointment was for a specific period upto 30/09/2009. Therefore they discontinued her service since 6/8/2010. In this respect I would like to point out that the workman has worked continuously for 240 days. Her services were not discontinued on 30/9/2009. On the other hand she worked for more than a year thereafter. In this backdrop it cannot be said that her service was for a fixed period till 31/7/2009. She was allowed to continue till 6/8/2010. As she has worked for more than 240 days she was well entitled to the protection under Section 25-F of the I.D. Act. The fact is also not disputed that the first party has not followed the procedure prescribed under Section 25 F.

Neither workman was served with notice nor notice pay and one month's wages and retrenchment compensation was paid to her.

7. In this respect M.P. High Court ruling can be resorted to in M.P. Road Transport Corporation Indore V/s. Anil 2009 (122) FLR 369 MP Indore Bench wherein a badli employee who has rendered continuous service of more than 240 days during a calendar year before termination, the Hon'ble Court held that, even such employee is entitled to the protection under Section 25-F of the I.D. Act and termination of his service without following the procedure prescribed under Section 25-F is illegal.

8. On the point Apex Court ruling also can be resorted to in Divisional Manager, New India Assurance Company Limited V/s. A.Sankaralingam, (2008) 10 SCC 698, the Apex Court has considered the question of part-time employment and held that the person employed on part-time basis under the control and supervision of an employer is a workman in terms of Section 2(s) of the Act of 1947 and is entitled to claim the protection of Section 25-F thereof. The preponderance of judicial opinion is that a workman working even on part-time basis would be entitled to the benefit of Section 25-F of the Act. In the circumstances, I hold that termination or discontinuation of services of the workman is not legal. Accordingly I decide this Issue No.1 in the negative.

Issue Nos. 2 & 3 :

9. The termination of services of the second party was found illegal. In this respect it was pointed out by the Ld. Adv. for the first party that after discontinuation of services of the second party, the said post was filled up by appointing Smt. Pradhnya Sawant. It was also pleaded in the written statement that the said workman Smt. Sawant is necessary party to this reference. According to the first party now there is no vacancy for reinstatement. Furthermore it was also pointed out that the second party workman was appointed for a fixed period and thereafter another fixed term workman was appointed. In this respect I would like to point out that if termination is illegal due to violation of provisions of Section 25-F of the I.D. Act, and when there is no vacancy in the circumstances instead of reinstatement compensation can be awarded to the workman. On the point Apex Court ruling can be resorted to in U.P. State Electricity Board V/s. Laxmikant Gupta 2009 1 LLJ 593 wherein Hon'ble Apex Court on the point observed that:

"There is no such principle that for an illegal termination of service, the normal rule is reinstatement with back wages, instead the Labour Court can award compensation."

10. In this backdrop I think it proper, instead of reinstatement, compensation can be awarded to the workman. While determining the compensation I would like to take into consideration the following facts:

(1) workman was not paid notice pay; (2) She was also not paid wages of one month; and (3) They have also not paid retrenchment compensation to the workman. The workman till this date is unemployed and was required to fight this legal battle since last 3-4 years. The pay of the workman was Rs. 8000/- p.m. In the circumstances looking into the rate of inflation I think it proper to award pay of one year as compensation. It comes to Rs. 96,000/-. Accordingly I decide this Issue No. 2 in the negative and Issue No.3 in the affirmative that workman is entitled to the adequate compensation for her illegal termination. Thus I proceed to pass the following order:

ORDER

- (1) The reference is partly allowed with no order as to cost.
- (2) The termination of services of workman is hereby declared illegal.
- (3) Instead of reinstatement and back-wages, the first party is directed to pay one years' pay (i.e. Rs. 96,000/-) to the workman as compensation within two months from the date of communication of this award.

Date : 07/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3123.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय विद्यालय संगठन और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 26/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-42012/37/2007-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 26/2007) of the Central Government Industrial Tribunal-cum-Labour Court Bhubaneswar now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of the Kendriya Vidyalaya Sangathan & Others and their workman, which was received by the Central Government on 27/11/2014.

[No. L-42012/37/2007-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT : Shri Pradeep Kumar, Presiding Officer
C.G.I.T.-cum-Labour Court,
Bhubaneswar

INDUSTRIAL DISPUTE CASE No. 26/2007

Date of Passing Award - 7th day of November, 2014

Between:

1. The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Pragati Vihar Colony,
PO-Mancheswar,
Bhubaneswar-751 017,
Odisha
2. The Principal,
Kendriya Vidyalaya No. 3,
PO-Mancheswar,
Bhubaneswar-751 017,
Odisha ...1st Party-Management
3. The Managing Director,
M/s. Industrial Security Agency,
Prachi Vihar, Palasuni, Rasulgarh,
Bhubaneswar-751010, Odisha
(And)
Shri Khageswar Singh,
C/o-Shri Balaram Singh,
At-Sialimala, PO-Sunger,
Rayagada, Odisha ...2nd Party-Workman

Appearances:

1. Shri D. Purohit : For the 1st Party-Principal (Kendriya Vidyalaya No. 3)
2. For the 1st Party- : None
Management No. 3
3. For the 2nd Party- : Shri Khageswar Singh
Workman (self)

AWARD

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employers in relation to the Management of the Principal, Kendriya Vidyalaya No.3, Bhubaneswar, Odisha, the Managing Director, M/s. Industrial Security Agency, Bhubaneswar and their workman Shri Khageswar Singh in exercise of the powers conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act vide their Letter

No. L-42012/37/2007-IR (DU), dated 21.08.2007 to this Tribunal for adjudication. The dispute as referred to has been mentioned under the schedule of the letter of reference which is quoted below.

"Whether the action of the Management of Kendriya Vidyalaya No. 3, Bhubaneswar in terminating the services of their workman Shri Khageswar Singh w.e.f. 28.04.2006 is legal and justified? If not, to what relief the workman is entitled to?"

The disputant workman has filed his Statement of Claim in which he has stated that he was engaged by the Principal, Kendriya Vidyalaya No. 3, Mancheswar, Bhubaneswar with effect from 16.05.2002 and performing his duties as a Casual Worker for various posts meant for the Group 'D' employees since then. He was being paid an amount of Rs. 700/- per month for the duties performed by him and the remuneration was increased to Rs. 1350/- per month owing to his good performance. The monthly remuneration was being paid to him by the Principal of Kendriya Vidyalaya No. 3, Bhubaneswar in the shape of cheque drawn from the account of Vidyalaya Vikash Nidhi maintained in the Indian Overseas Bank, Chandrasekharpur Branch, Bhubaneswar which is credited to his Savings Bank Account bearing Account No. 14110 of the same bank. He was provided with a Government Accommodation in the vidyalaya campus as he was working under the direct control of the vidyalaya management. The monthly remuneration of the workman was suddenly stopped with effect from 22.09.2004 and he was advised by Management No. 2 to draw his salary from a contractor. Upon aggrieved with this he approached the Principal as well as the Asstt. Commissioner of Kendriya Vidyalaya Sangathan. On failure to get any relief he raised the matter before the Assistant Labour Commissioner (Central), Bhubaneswar for the redressal of his grievances.

During conciliation on 20.12.2004, a settlement in Form-H under the Industrial Disputes Act, 1947 was executed between the Principal of Kendriya Vidyalaya No. 3 (Management No. 2) and the workman Shri Khageswar Singh in the presence of the Assistant Labour Commissioner (Central), Bhubaneswar. The management of Kendriya Vidyalaya No. 3 had to regularize the services of Shri Singh while filling up the vacant posts of Group 'D' as per the terms of settlement. But, the management breached the settlement and did not give regular appointment to him against the vacancy of regular Group 'D' posts and engaged some other candidates with a mala fide intention.

The workman also pleaded that he has worked for more than 240 days in each year of his service with effect from 16.05.2002 till the illegal termination of his services by the Kendriya Vidyalaya Management on 28.04.2006. The management of Kendriya Vidyalaya No. 3 had assured him of regular appointment as per the settlement

worked out on 20.12.2004 between them. He has filed Photostat copies of certain documents in support of his claim. He has claimed his reinstatement with full back wages.

The 1st Party Management on the other hand has filed his Written Statement and stated that the 2nd party workman was receiving his wages from M/s. Industrial Security Agency (Management No.3). There was no employer and employee relationship between the Kendriya Vidyalaya Sangathan and their workman Shri Khageswar Singh. The job of Shri Singh came to an end with the expiry of the contract on 15.04.2006 with M/s. Industrial Security Agency. A new contractor M/s Wellmen Services, Bhubaneswar has been provided with the contract with effect from 15.04.2006. Shri Khageswar Singh was not given engagement by the new contractor and the Kendriya Vidyalaya Management did not compel M/s. Wellmen Services to engage Shri Singh as per the settlement.

The Kendriya Vidyalaya Management further stated that there was no vacancy of Group 'D' under the management. They have also raised certain allegations against Shri Singh for his not being sincere and well behaved. Since, there was no employer - employee relationship between the Kendriya Vidyalaya Sangathan and Shri Khageswar Singh, the termination of services of Shri Singh with effect from 28.04.2006 by the Kendriya Vidyalaya Management does not arise Accordingly, he is not entitled for any relief.

The Management No. 3, M/s. Industrial Security Agency has stated in its written statement that the workman Shri Khageswar Singh was initially engaged by the Management of Kendriya Vidyalaya No. 3 as a Conservancy employee. The vidyalaya management wrote M/s. Industrial Security Agency to keep Shri Khageswar Singh, the 2nd party workman in their (M/s. Industrial Security Agency) pay roll and to make monthly payments to Shri Singh on pro-rata basis with effect from 01.10.2004. Being dissatisfied with this, Shri Singh approached the Principal of Kendriya Vidyalaya No. 3 as well as the Asstt. Commissioner of Kendriya Vidyalaya Sangathan, Bhubaneswar on many occasions. Being aggrieved by the Management No. 1 and 2, the disputant workman raised an industrial dispute before the Assistant Labour Commissioner (Central), Bhubaneswar on 07.12.2004 and the matter was ended on 20.12.2004 after a tripartite memorandum of settlement arrived at between the parties under Section 12(3) of the Industrial Disputes Act, 1947.

The 1st Party Management No. 3 has paid all the dues of Shri Singh till 15.04.2006, that is till the contract period existed with the vidyalaya management. After that, Shri Singh has no relationship/responsibility with M/s. Industrial Security Agency as per Clause -I of the memorandum of settlement. In view of the above, the Management No. 3 (Contractor) prayed for exempting him from the dispute.

On the pleadings of the parties following issues were framed.

(1) "Whether the reference is maintainable?

(2) Whether the disputant Shri Khageswar Singh was engaged by the management of Kendriya Vidyalaya No. 3, Bhubaneswar (Management No. 2) and if so, whether the said disputant was terminated from service without adhering to the principles of Natural Justice and in violation of the provisions of the ID Act?

(3) If so, to what relief the disputant is entitled to?

The case was proceeded ex-parte against the 1st party Management No. 3 (Contractor) on 03.06.2008. Though the Management No. 3 was appeared subsequently on many dates, yet it did not take any step to set aside the ex-parte order passed against him.

The 2nd party workman has adduced his evidence as workman witness No. 1 and subsequently cross examined by the Management No. 1 and 2. Since the management No. 3 was absent, his cross examination is recorded as nil. The 2nd party workman has marked certain documents as exhibits from Ext. 1 to Ext. 9.

The 1st Party Management No.1 & 2 have adduced the evidence of Smt. Biraja Mishra, Principal, Kendriya Vidyalaya No. 3 as Management No. 1 & 2 witness No. 1 and the same remained un-completed. Certain documents filed by the Management No. 1 & 2 have been marked as exhibits from Ext. A to Ext. C/2.

No evidence was adduced on behalf of the 1st Party Management No. 3 (contractor).

FINDINGS

Issue No. 1

The 1st Party Management No. 1 & 2 challenged the jurisdiction of the Tribunal through their additional written statement on the issue of maintainability of the reference. There is no record in the order sheet about filing of such additional written statement. It also appears that, the 2nd party workman was not given any chance to file his counter if any against the additional written statement of the Management No. 1 & 2. A copy of the same has not been served on the 2nd party workman which is violative of the principles of Natural Justice. As per the additional written statement an award was passed on 25.05.2010 advising there with the 2nd party workman to raise the matter before the Central Administrative Tribunal to redress his grievances. But, the same was subsequently set-aside by the Hon'ble Odisha High Court in W.P. (C) No. 18042 of 2010 with the remarks that the 2nd party workman is justified in raising the matter before the conciliation authority which resulted in the reference of the matter to the CGIT. Hence the reference is maintainable as this Tribunal has got jurisdiction to hear and decide the matter. Thus, issue No. 1 is answered in favour of the 2nd Party Workman.

Issue No. 2

The 2nd Party Workman Shri Khageswar Singh in his evidence stated that he was engaged by the Management of Kendriya Vidyalaya No. 3, Bhubaneswar and discharges his duties at par with other Group 'D' employees continuously with effect from 22.01.2003 till 21.09.2004 and on 22.09.2004 Principal of the above vidyalaya advised him to draw his salary from M/s. Industrial Security Agency (Contractor) as pleaded by him in his statement of claim and the evidence adduced. The Management No. 3 M/s. Industrial Security Agency also in his written statement stated that Shri Khageswar Singh was in the roll of Kendriya Vidyalaya No. 3 prior to his engagement in the agency on 01.10.2004. But, nowhere the Management No. 1 & 2 have stated or whispered any thing about the period of engagement of Shri Singh during 2002 to 21.09.2004. Moreover, the management No. 2 (Kendriya Vidyalaya No. 3) has worked out the settlement in Form - H under the ID Act, 1947. As per the terms of the settlement the management No. 2 will continue Shri Khageswar Singh in his previous job as before through any agency/contractor contracted between the management of Kendriya Vidyalaya No. 3 and will continue even if a new contract is awarded to a different contractor. It was also settled that Shri Singh would discharge his duty with all sincerity and obey the controlling authority (management of Kendriya Vidyalaya No. 3) failing which disciplinary action would be initiated against Shri Singh as per the rules. It was also further settled that in the case of any future regular vacancy in the Kendriya Vidyalayas under the control of the Kendriya Vidyalaya Sangathan, Bhubaneswar, the case of Shri Singh would be given priority alongwith age relaxation as he was rendering services to the organization (Kendriya Vidyalaya No. 3) since long.. Exhibit No. 1 (Terms of Settlement), Exhibit No. 3 Series (Copies of peon books), Exhibit No. 4 series (copies of school attendance register), Exhibit No. 5 (copy of school garden maintenance register), Exhibit No. 6 (copy of sports certificate issued by the school to Shri Singh), Exhibit No. 7 (copy of the duty chart of Shri Singh in the school), Exhibit No. 8 (copy of the examination duty card issued to Shri Singh for school examination) all filed by the disputant workman Shri Khageswar Singh and Exhibits B & B/1 to B/16 as filed by the Management No. 2 clearly shows that Shri Khageswar Singh was working under the direct control of the School management. Exhibits B, B/1 to B/16 also speaks about direct payment of wages by the school management to Shri Singh.

In the case of [(1994) 5 SCC304 = JT1004 (4) SC 151 = (1994) 2 Scale 910] R.K. PANDA VS. STEEL AUTHORITY OF INDIA the Hon'ble apex court held that where the contractors used to be changed, but the incoming contractors employ the workers of the outgoing contractors, in such event inspite of the replacement and change of the contractors, the workers should be

absorbed by the principal employer as their regular employees.

In the case of [AIR 2003 SC 3024 = (2003) 6 SCC 528 = JT 2003 (6) SC 14] M/S. BHARAT HEAVY ELECTRICALS LIMITED VS. STATE OF U.P. AND OTHERS the Hon'ble apex court observed that workmen engaged even through contractors to produce goods or services for other/principal employer, they are employees of the principal employer.

Further in the case of [AIR 1978 SC 1410 = (1978) 4 SCC 257 = 1978 (3) SCR 1073] HUSSAINBHAI VS. ALATH FACTORY TEZHILALI UNION AND OTHERS the Hon'ble apex court have ordered that " where a worker or group of workers, labour to produce goods or services and these goods or services are for the business of another, that other is in fact the employer. He has economic control over the workers' subsistence, skill and continued employment.

In view of the above remarks, it is ascertained that the workman Shri Singh was engaged by the management of Kendriya Vidyalaya No. 3 and was working under their direct control.

The Management No. 2 (Kendriya Vidyalaya No. 3) did not take any step for the engagement of Shri Singh after 28.04.2006 as per the terms of settlement dated 20.12.2004. The office order dated 06.02.2006 issued by the Kendriya Vidyalaya Sangathan, Bhubaneswar region clearly shows that there were Group 'D' vacancies in Odisha region schools during 2006 and as per the terms of settlement the school management should have considered the case of Shri Khageswar Singh for his regular employment/ permanent absorption against the vacant Group 'D' posts. The stand taken by the school management in their written statement that there were surplus staff members seems to be incorrect. Rather, the Management No. 2 did not adhere to the terms of settlement and breached the same. Since, the Management No. 3 (M/s. Industrial Security Agency, Bhubaneswar) was a contractor under the school management till the date of expiry of contract, that is 15.04.2006 and as because the disputant workman Shri Singh was working under him as per the advise of the school management and he has no claim against the contractor, the management No. 3 is accordingly not liable for the disengagement of Shri Singh. Hence, Shri Khageswar Singh, the disputant workman was disengaged by the management of Kendriya Vidyalaya No. 3, Bhubaneswar (Management No.2) and the management had terminated his services without adhering to the principles of Natural Justice and in violation of the provisions of the Industrial Disputes Act, 1947. Accordingly, the management No. 2 (Kendriya Vidyalaya No. 3, Bhubaneswar) is not justified in terminating the services of the disputant workman.

Issue No. 3.

In view of the above remarks, it is ordered that the Management No. 2 (Kendriya Vidyalaya No. 3,

Bhubaneswar) should reinstate the disputant workman Shri Khageswar Singh in their regular pay roll or in the regular pay roll of other Kendriya Vidyalayas in Odisha region as per the terms of settlement and pay him his full back wages within a period of three months from the date of publication of this award in the Gazette of India failing which the Management No.2 shall pay the penal interest @ 12 percentum per annum in cumulative interest. No order as to cost.

The reference is answered accordingly in favour of Shri Khageswar Singh, the 2nd party workman.

Dictated and corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58 का 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/115/2007-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/115/2007-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of reference U/S 10(1)(d)(2A)
of I.D. Act., 1974

Ref. No. 58 of 2007

Employer in relation to the management of Kusunda
Area, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri U. N. Lall, Advocate

For the workman : None

State : Jharkhand Industry : Coal
Dated, 10th November, 2014

AWARD

By Order No. L-20012/115/2007-IR (C-I) dt. 16/11/2007, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Basuriya Colliery of M/s. BCCL in dismissing the service of late Shri Rasik Marandi M/Loader w.e.f. 17.03.2004 is justified and legal? If not, to what relief is the dependent family of the concerned workman entitled and from what date?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 115 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/342/1991-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 115/1992) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/342/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A)
of I.D. Act, 1947

Ref. No. 115 of 1992

Employer in relation to the management of Sendra
Bansjora Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal
Dated, 10th November, 2014

AWARD

By Order No. L-20012/342/1991-IR (C-I) dt. 25/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in denying employment to Shri Sukar Karmakar (Sukar Kumar) son of Smt. Kari Kamin, Shale Picker under V.R.S. is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 102 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/1/1992-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 102/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/1/1992- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947

Ref. No. 102 of 1992

Employer in relation to the management of Chapapur Colliery, M/s. ECL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 13th November, 2014

AWARD

By Order No. L-20012/1/1992-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Chapapur Colliery of Nirsa Area of M/s. Eastern Coalfield Ltd. in Superannuating Shri Chun Chun Singh w.e.f. 21.07.90 is justified? If not, to what relief the concerned workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 30 का 2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/130/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/2012 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/130/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947

Ref. No. 30 of 2012

Employers in relation to the management of Govindpur Area, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : Shri S. C. Gour, Advocate

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/130/2011-IR (CM-I) dt. 21/03/2012, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Govindpur Colliery of M/s. BCCL in allegedly superannuating Sh. Durga Manjhi Ex-UG Driller w.e.f. 01.06.2010 on the basis of date of Birth of 16.05.1950 assessed by the Apex Medical Board of the management is fair and justified? To what relief the concerned workman is entitled?"

2. The case is received from the Ministry of Labour on 09.04.2012. After notice both parties appeared, the workman files their written statement on 20.04.2012. Thereafter the management files their written statement-cum-rejoinder on 08.11.2012. One witness each examined by both side. Workman's document marked as W-1 to W-4 but the management's document marked as M-1.

3. It is a claim that the workman was superannuated prematurely though according the Form-"B" register Date of Birth, he had many years left to be superannuated. On the other hand the management submitted that, the workman's date of Birth written in different place differently for which he was sent to medical Board, and after medical board, age determination he was superannuated.

4. There is no illegality found from the submission of management and belated claim regarding date of Birth is not also accepted.

5. Considering the facts and circumstance of this case, I hold that the action of the management of Govindpur Colliery of M/s. BCCL in allegedly superannuating Sh. Durga Manjhi Ex-UG Driller w.e.f. 01.06.2010 on the basis of date of Birth of 16.05.1950 assessed by the Apex Medical Board of the management is fair and justified. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 92 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/348/1991-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award Ref. No. 92/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014

[No. L-20012/348/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 92 of 1992

Employer in relation to the management of
Angarpathra Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 12th November, 2014

AWARD

By Order No. L-20012/348/1991-IR (C-I) dt. 31/08/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Angarpathra Colliery of M/s. Bharat Coking Coal Limited in deleting the name of Smt. Rukminia Beldarin from the roll w.e.f. November, 1982 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appear nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 86 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/336/1991-आई. आर. (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 86/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/336/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 86 of 1992

Employer in relation to the management of Patherdih
Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri U. N. Lall, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 12th November, 2014

AWARD

By Order No. L-20012/336/1991-IR (C-I) dt. 27/08/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Patherdih Colliery under Sudamdih Area of M/s. BCCI Dhanbad in dismissing Shri Suraj Kanto Bouri, T/Mistry from service vide their letter No. BCCL/PEH/PERS/87/837 dated 27/28.10.87 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Though they took steps for certain dates, subsequently did not appear nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 161 का 1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/334/1989-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3130 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 161/1990 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/334/1989-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of a reference U/S 10(1)(d)(2A) of I.D.
Act, 1947.

Ref. No. 161 of 1990

Employer in relation to the management of Rajapur
OCP, Kustore Area No. 8, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Shri K.N. Singh, Rep.

State : Jharkhand

Industry : Coal

Dated 22nd October, 2014

AWARD

By Order No. L-20012/334/1989-IR (C-I) dt. 11/07/1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Rajapur Open Cast Project of M/s BCCL (Area No. VIII), in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25.06.85 is justified? If not, to what relief is the concerned workman is entitled?"

2. The Case is received from the Ministry of Labour on 16.07.1990. After hearing in length the case was disposed and Award passed on 02.01.1997. The reference answered in favour of the workman, was challenged before the Hon'ble High Court and ultimately the case is remanded to this Tribunal for decision a fresh.

3. After receipt of the case though both parties asked to adduce evidence on their behalf, they submitted to argue on the basis of the material on record and not adduce any evidence.

4. The Short point to be decided in the reference as to whether the workman is entitled to be regularised in the post of Excavation foreman or not. On the other hand the management in his written statement submitted to be a foreman one must be diploma engineer and he must have 3 years experience in the post of excavation supervisor Grade B.

5. It is the admitted fact that the workman is in excavation supervisor Grade B but no evidence adduced to the effect that whether the workman is a Diploma holder or not. Those evidence was not brought before us by the workman. This being the situation the workman cannot be regularised in the post of excavation foreman, in view of his present experience and qualification.

6. Considering the facts and circumstance of this case, I hold that the action of the management of Rajapur Open Cast Project of M/s BCCL (Area No. VIII) in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25.06.85 is justified. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 97 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/360/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 97/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/360/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947

Ref. No. 97 of 1992

Employer in relation to the management of Nirsa Area, M/s. ECL,\

AND

Their workmen.

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 7th November, 2014

AWARD

By Order No. L-20012/360/1991-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management M/s. Eastern Coalfield Ltd. Nirsa Area in denying promotion to Shri M.G. Mishra, Accounts Clerk Special Grade to the post of Accountant in Technical & Supervisory Grade "A" w.e.f. July 1987 is justified? If not, to what relief the concerned workman is entitled?"

2. After receipt of the reference, parties are noticed, though they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is

presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 225 का 1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/188/1994-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 225/1994 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/188/1994-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.1), AT DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 225 of 1994

Employer in relation to the management of Karo
Project, M/s. CCL,

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/188/1994-IR (C-I) dt. 31/08/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Karo Special Project/Kendra A.A of M/s CCL in terminating the service of Shri Jago Mahto w.ef.. 29.09.83 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 98 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/414/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 98/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/414/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.1, DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 98 of 1992

Employer in relation to the management of Bodjna
Calliery, M/s. ECL,

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/414/1991-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of M/s. Eastern Coalfield Ltd. Nirsa Area in relation to their Badjna Colliery is not regularising the service of S/Shri Shyamapado Rewani and Haru Gorai is justified? If not, to what relief the concerned workman are entitled?"

2. After receipt of the reference, parties are noticed. Though they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 49 का 2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/29/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 49/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/29/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No.1), DHANBAD**

In the matter of a reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 49 of 2011

Employer in relation to the management of Bassuria
Colliery Kusunda Area, M/s. BCCL

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Shri R.R. Ram, Rep.

State : Jharkhand

Industry : Coal

Dated 24th October, 2014

AWARD

By Order No. L-20012/29/2011-IR (CM-I) dt. 12/09/2011, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Bassuria Colliery of M/s BCCL in not correcting the date of Birth of Smt. Kunti Devi, Lorry Cleaner Mazdoor as 14.06.1956 is justified? To what the concerned workman is entitled?"

2. The Case is received from the Ministry of Labour on 14.11.2011. After notice both parties appeared, the Sponsoring Union/workman files their written statement on 23.11.2011. Thereafter the management files their written statement-cum-rejoinder on 7.12.2012. Only one witness adduce on behalf of the workman as WW-1. Document of the management marked as Ext. M-1 to M-5.

3. The short point is involved in this case is that the date of Birth of the workman is 14.06.53 is correct or not.

4. The claim of the applicant was that her date of Birth is 14.06.1956, which is not accepted by the management. Management in his counter submitted that at the time of appointment the workman did not submit any age proof, therefore the medical board is formed.

5. The medical board assessed her age 41 years as on 14.06.1994 and that is there in her service record. That being the position, belated claim of the workman to correct her Date of Birth does not arise at all.

6. Considering the facts and circumstances of this case, I hold that the action of the management of Bassuria Colliery of M/S BCCL in not correcting the date of Birth of Smt. Kunti Devi, Lorry Cleaner Mazdoor as 14.06.1956 is justified. Hence she is not entitled to get any relief. Claim refused.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 15 का 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/93/2006-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 15/2007 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/93/2006-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.1), DHANBAD

In the matter of a reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 15 of 2007

Employer in relation to the management of W.J. Area,
M/s. BCCL

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : Shri D. Kumar, Advocate

State : Jharkhand

Industry : Coal

Dated 27th October, 2014

AWARD

By Order No. L-20012/93/2006-IR (CM-I)
dt. 14/02/2007, the Central Government in the Ministry of
Labour has, in exercise of the powers conferred by

clause (d) of sub-section (1) and sub-section (2A) of
Section 10 of the Industrial Disputes Act, 1947, referred
the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Murlidih
20/21 pits Colliery of M/s BCCL in not regularizing
Smt. Rajo Bhuini, Smt. Lakhi Bourin, Smt. Musri
Devi and Smt. Bijala Bala Devi as Security Guards
and also in not providing them uniform/washing
allowance since 11.06.94, 27.07.94 and 05.08.94
respectively is legal and justified? If not, to what
relief are the concerned workers entitled and from
what date?"

2. The Case is received from the Ministry of Labour
on 01.05.2007. After receipt of the reference, both parties
are noticed. The sponsoring Union files their written
statement on 21.12.2009. Thereafter the management files
their written statement-cum-rejoinder on 09.06.2010.
Rejoinder and document also filed by the parties. The
Sponsoring Union adduced Three witness as W-1 to
W-3, But the management only marked the document as
M-1 to M-8.

3. The point involved in the reference is that whether
the four lady workman will be regularize in the post of
Security Guard or not as they were sent for training as
Security Guard.

4. The workman named above claimed to be
absorbed as Security Guard, as they were under went
training by the management. On the other hand the
management submitted that the workman concerned did
not have the minimum qualification i.e. 8th class pass, to
be observed as security Guard.

5. The witness W-1 to W-3 all are concerned
workman submits in their evidence that we are illiterate.
The evidence of the workman as below:-

"We are illiterate. I cannot say whether I have
qualification to be appointed as security Guard. Now we
are in category III."

6. This be the situation the workman cannot be
absorbed as security Guard. Moreover the Management
should not send persons to training without verifying
their educational qualification, to avoid litigations and
controversy.

7. Considering the fact and circumstances of this
case, I hold that the action of the management of Murlidih
20/21 pits Colliery of M/s BCCL in not regularizing Smt.
Rajo Bhuini, Smt. Lakhi Bourin, Smt. Musri Devi and
Smt. Bijala Bala Devi as Security Gurads and also in not
providing them uniform/washing allowance since 11.06.94,
27.07.94 and 05.08.94 respectively is legal and justified.
Hence they are not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 38/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/258/1989-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 38/1992) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/258/1989-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD****Reference: No. 38/1992**In the matter of reference U/S 10 (1) (d) (2A) of
I.D. Act, 1947Employer in relation to the management of
Bastacolla Area of M/s BCCL

AND

Their workmen

Present : Sri R. K. SARAN, Presiding Officer**Appearances:**

For the Employers : Sri D.K.Verma, Advocate

For the workman : Sri D.Mukherjee, Advocate

State : Jharkhand

Industry : Coal

Dated 3/11/2014

AWARD

By order No. L-20012/258/ 1989/IR (CM-1)) dated 12/05/1992, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether shri Modi Bhuiya and 465 other wagon Loader/Truck Loaders/Tractor Loaders stated to be employed by the management of Bastacolla Area No.IX of M/S Bharat Coking Coal Ltd. Through a Labour Cooperative, namely Coalfield Shrmik Sahayog Samiti ,Chandmari were to be treated as workmen of the said management ? And whether the demand of that those persons be regularized in the service of the said management is justified? If so , to what relief are the concerned persons are entitled?”

Annexure**List of workmen**

Sl. No.	Name	S/O	Village	Post	P.s	Dist
1	2	3	4	5	6	7
1	Sri Modi Bhuiya	Late Latlu Bhuiya	Kharsari	Shivsona	Jamui	Munger
2	Sri Nivash Ray;	Shri Muktinay Ray	Housing colony Hirapur	Dhanbad	Dhanbad	Dhanbad
3	Sri Chhtri Yadav	Riphan Yadav	Chhotki Saria	Sariya	Sariya	Giridih
4	Sri Shiv Narayan Yadav	Tilu Yadav	Chhotki Saria	Sariya	Sariya	Giridih
5	Prem Yadav	Tilu Yadav	Chhotki Saria	Sariya	Sariya	Giridih
6	Sri Panchu Yadav	Balo Yadav	Lakdahi	Padvara	Guruaa	Gaya
7	Sri Ram Prasad Ravani	Domdi Rawani	Makhdumpur (Darar)	Navinagar Road	Navinagar	Aurangabad
8	Sri Muni Ravani	Domdi Rawani	Makhdumpur (Darar)	Navinagar Road	Navinagar	Aurangabad
9	Sri Shumbhu Thakur	Harkheet Thakur	Maneedhar	Dhanbad	Dhanbad	Dhanbad
10	Govind Hemram	Ishvar Hemram	Kohagora	Bhendara	Navadeeh	Girideh
11	Smt Chameli Kamin	Kishor Bhuiya	Ganeshdih	Kusunda	Kenduadih	Dhanbad
12	Sri Ashray Ansari	Usak Ansar	Aina Colliery	Dhansar	Jhariya	Dhanbad

1	2	3	4	5	6	7
13	Sri Ashphak Ansari	Usak Ansar	Aina colliery	Dhansar	Jhariya	Dhanbad
14	Sri Yogendra Ram	Gulab Ram	Piro Vigha	Sikandarpur	Jhahanabad	Gaya
15	Sri Shiv Narayan Ravidash	Madho Ravidash	Sherpur	Guruaa	Guruaa	Gaya
16	Sri Nandu Vishkarma	Karu Mistri	Kaura	Kaura	Partapur	Hazaribag.
17	Sri Ragnath Vishkarma	Rambaran Mistri	Jamuara	Bake Bazar	Bake Bazar	Gaya
18	Smt Tule Devi	Banshi Chauhan	Matapa	Matapa	Kutumba	Aurangabad
19	Sri Vrijnandan Prasad	Tiloki Ram	Pipra	Sighrava	Chaupas	Hajaribag
20	Sri Kailash Paswan	Sarguy Paswan	Nauna	Nalanda	Nalanda	Nalanda
21	Sri Kamti Kamin	Bhagwat Nanniya	Simrdhamni	Chanpur	Mali,	Aurangabad
22	Shantu Kamin	Ram Prasad Chauhan	Barba	Kari Mandih	Sd-	Plamu
23	Shresh Pasvan	Kamaldev Pasvan	Sherpur	Sherpur	Gurua	Gaya
24	Ydu Saw	Bhuneshwar Saw	Gerud	Gurua	Gurua	Gaya
25	Indrav Saw	Prameshwar Saw	Kasim	Kasim	Raphigang	Aurangabad
26	Sahadev Saw	Rameshwar. Saw	Phatehpur	Jmuua Kla	Jmuua Kla	Gaya
27	Bhulendra Paswan	Shibu Paswan	Brare	Mananpur	Lkhisray	Munger
28	Praja Paswan	Karu Paswan	Yanaradh	Chanan	Bela	Gaya
29	Bijay Paswan	Masudi Paswan	Sankurha	Amarth	Jmui	Munger
30	Md. Liyakt	Md. Rahmali	Pakrikla	Dhashrathpur	Surynama	Varansi
31	Kari Kamin	Lakhpti Bhuiya	Brarikop	Kendua	Kedua	Dhanbad
32	Viphan Yadav	Ajit Madav	Mayapur	Navadih	Hantergang	Hajaribag
33	'Kripan Prasad	Jhagnu Prajapat	Navadih	Tilaiya	Aamas	Gaya
34	Shri Dharmdev Prasad.	Koim Yadav	Lakradho	Paduhara	Gurua	Gaya
35	Shri Rajkumar Prajapti	Jsheshwar Prajapti	Sherpur	Gurua	Gurua	Gaya
36	Kameshwari Kamin	Ramchandra Chauhan	Budhan Bihga	Aamas	Aamas	Aurangabad
37	Dineshwar Mahato	Mahendra Mahato	Bhuli Basti	Bhuli	Bankmor	Dhanbad
38	Karu Mahato	Dular Mahato	Sherpur	Gurua	Gurua	Gaya
39	Lal bag Ram	Dhwarika Ram	Balba	Karai	Sarmera	Nalanda
40	Indradev Ram	Ganesh Ram	Chhotki Sariya	Sariya	Sariya	Giridih
41	Keshwar. Ram	Sudheshwar Ram	Lahari	Makhra	Barun	Aurangabad
42	Yashoda Kamin	Nakul Nonida	Barma	Barma	Prariya	Gaya
43	Raju Bhuiya	Tulsi Bhuiya	Agahra	Agahra	Jamui	Munger
44	Rajendra Ram	Ishwar. Prasad.	Sherpur	Gurua	Gurua	Gaya
45	Mansur Ansari	Karim Mastan	Pratappur	Jamui	Jamui	Munger
46	Nasir Ansari	Mo Gulam Raghul	Mungo	Gunardih	Gunardih	Navadih
47	Tiveni Paswan	Raghu Nandan Padwanb	Magrama	Baliya	Baliya	Gaya
48	Kendu Prasad	Ramlal Prasad	Thakur Bari	Sariya	Sariya	Giridih
49	Sakhichand Chaudhri	Bhdhu Chaudhri	Mamapur	Navadihpnari	Hantergang.	Hazanbagh
50	Rampati Chaudhri	Budhu Chaudhri	Pirma	Baliya	Gurua	Gaya
51	Guru Charan Chaudhri	Sarena Chaudhri	Parsama	Parsama	Bake Bazar	Gaya
52	Gulab Chand Chaudhri	Phovari Choudhri	Ghira	Ghira	Halsi	Munger
53	Suneshwar Chaudhri	Doman Chaudhri	Kusbha Basdiha	Pariya	Kuvumba	Aurangabad
54	Daroga Bhuiya	Mithu Bhuiya	Chandmari Colliery	Dhansar	Dhansar	Dhansar
55	Haso Paswan	Sukhdev Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhansar
56	Ghanshyam Ram	Baijnath Ram	Nasib Bigra	Kasibpur	Barun	Aurangabad
57	Shambu Prasad.	Birbal Prasad.	Jhikriya	Madanpur	Madanpur	Aurangabad
58	Priya Prasad.	Saphora Prasad.	Naisb Bigra	Kasipur	Barun	Aurangabad

1	2	3	4	5	6	7
59	Debmuni Prasad Rawani	Sarphra Prasad Ravani	Nsib Bigha	Kasipur	Barun	Aurangabad
60	Gauri Shankar Prasad	Phirangi Prasad	Nasib Bigha	Kasipur	Barun	Aurangabad
61	Dhuarika Prasad yadav	Pokhan Yadav	Chotki Sriya	Sriya	Sriya	Giridih
62	Ganesh Prasad Rawani	Domari Prasad Rawani	Makhdumpur	Nvinagar Road.	Nvinagar	Aurangabad
63	Ram Bijay Kumar.	Nageshwar. Prasad.	Samsher Nagar	Samsher Nagar	Dheu Nagar	Aurangabad
64	Indrajeet Singh	Jaynath Singh	Samsher Nagar	Smsher Nagar	Daud Nagar	Aurangabad
65	Surendra Singh	Ram Prasad Singh	Hasanpur	Sd-	Aobra	Aurangabad
66	Shivnarayan Singh	Bisheshwar. Singh	Hasanpur	Sonwarsa	Aobra	Aurangabad
67	Ramshish Kumar	Jaydish Mahato	Chan Mruni	Sariya	Sariya	Giridih
68	Surendra Singh	Balgovind Singh	Sam sair Nagar	Sariya	Aobra	Aurangabad
69	Braj Prasad Malakar	Motialal Malalkar	Chand Mourni	Sariya	Sariya	Giridih
70	Shankar Prasad Malakar	Motialal Malalkar	Chand Mourni	Sariya	Sariya	Giridih
71	Buneshwar Noniya	Ramdev Noniya	Chaunokhar	Bara	Navinagar	Aurangabad
72	Kuldeep Noniya	Ramvilas Noniya	Sd-	Balai	Navinagar	Aurangabad
73	Jeetendra Chauhan	Ramkhelavan Chauhan	Barki Bodhai	Phokhraha	Aurangabad.	Aurangabad
74	Tpeshwar Beldar	Mandal Beldar	Ratnuua	Phopra Bgahi	Kutumba	Aurangabad
75	Phagu Noniya	Nageshwar Noniya	Leduka	Kutma	Sd-	Plamu
76	Tetri Beldaron	Ramji Beldar	Godhar	Kusunda	Kussunda	Dhanbad
77	Baleshwar Chauhan	Ram Bilat Chauhan	Kharonda	Belhari	Majhiyama	Plamu
78	Rajendra Noniya	Jagdeesh Noniya	Kasturi Chanokar	Poldih	Japla	Plamu
79	Raj Kumar Chauhan	Bilash Chauchan	Sd-	Prairiya	Sd-	Aurangabad
80	Indradev Ram	Chaman Ram	Makhadumpur	Navinagar Road	Navinagar Road	Aurangabad
81	Mahendra Naniya	Jaymangal Noniya	Prajpur	Baliya	Kutumba	Aurangabad
82	Tpeshwar. Chauhan	RamdasChauhan	Makdupur Braj	Nvinagar	Nvinagar	Aurangabad
83	Ramchandra chauhan	Ramlita Chauhan	Simridhmi	Chainpur	Mali	Aurangabad
84	Raj kumar. Noniya	Jaymangal Noniya	Poraspur	Baliya	Kutumba	Aurangabad
85	Kanti Kamin	Devent Naniya	Simridhomni	Chainpur	Mali	Aurangabad
86	Jay Prakash Kumar	Shri Ramavtar Kumar	Sonvarsha	Sonvarsha	Bihpur	Bhagalpur
87	Sunil Kumar.	Shri Ramavtar Kumar	Sonvarsha	Sonvarsha	Bihpur	Bhagalpur
88	Bipin Kumar.	Shri Ramdev Saw	Barajiktika	Primari	Karpit	Gaya
89	Ram Prakash Ray	Kamdev Ram	Sd-	Sd-	Sd-	Sd-
90	Suresh Prasad.	Madho Prasad Ravidas	Sherpur	Gurua	Gurua	Gaya
91	Nvin Kumar	Shri Ram Lakhan Kumar.	Sonvarsha	Sonversha	Bihpur	Bhagalpur
92	Sakil Ahmad	Sd-	Sd-	Sd-	Sd-	Dhanbad
93	Ram Prevesh Dusad.	Lochi Dusad	Drar	Navinagar	Navinagar	Aurangabad
94	Barti Beldarin	Mhendra Beldarin	Noniya Bigha Drua	Sd-	Japla	Plamu
95	Laldev Chauhan	Mahavir Chauhan	Bilaspur	Tarva	Navinagar	Aurgabad
96	Lakhan Chauhan	Ramchandra Chauhan	Knouda	Haidharnagar	Haidharnagar	Palmu
97	Ramjeet Chauhan	Besar Chaudhri	Ghira	Ghira	Sd-	Sd-
98	Naresh Chauhan	Ramkaran Chauhan	Chamlpur	Phag	Gauh	Aurangabad
99	Sikendra Dadhi	Kririt Dadhi	Bholva	Barki Bholba	Sarmera	Nalanda
100	Bihari Beldar	Bukhun Beldar	Chunhata	Chunhata	Sd-	Rohtas
101	Shiv Narayan	Rampati Chauhan	Simri Dhari	Chainpur	Mali	Aurangabad
102	Anish Noniya	Dharika Noniya	Noniya Bigha Daura	Dauna	Japla	Plamu
103	Kapish Thakur	Budhan Thakur	Joni Bigha Vara	Jani Bigha	Bodh Gya	Gaya
104	Rajendra Ravani	Ram Gulab Ram	Madho Rvap	Bhorba	Madanpur	Aurangabad

1	2	3	4	5	6	7
105	Sampat Biskarma	Mahabir Bishvkarma	Itar	Timura	Raphigamg	Aurangabad
106	Ramchandar Prasad	Shiv Prasad.	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
107	Sahadev Biskarma	Sanichar Bishkarma	Agni	Chevari	Dhaudnagar	Aurangabad
108	Chinta Kamin	Shiv Chauhan	Agniya	Ishat	Barun	Aurangabad
109	Ganga Prasad.	Ravi Prasad.	Sd-	Dhansar	Dhansar	Dhanbad
110	Krishna Mahato	Devnath Mahato	Jabalpur	Shamve	Barsligang	Navada
111	Lakshaman Buiya	Klesar Buiya	Bramchak	Aamas	Aamas	Gaya
112	Darvari Prasad	Raghunath Prasad.	Manitad	Dhanbad.	Dhanbad	Dhanbad.
113	Lakhaminiya Kamin	Mahendra Noniya	Pirajpur	Baliya	Kutumba	Aurangabad
114	Kedar Bhuiya	Chanarik Bhuiya	Tamruya	Gurua	Gurua	Gaya
115	Jalim Bhuiya	Manlu Bhuiya	Bramchak	Aams	Aams	Gaya
116	Sundri Kamin	Lalan Chauhan	Batrwa	Karimandih	Mohangang	Plamu
117	Binod Chauhan	Chanari Chauhan	Chain Bigta	Rnor	Aurangabad	Aurangabad
118	Munna Prasad Chauhan	Domi Beldar	Baswan Bigha	Pen	Silav	Nalamda
119	Ramkhelawan Beldar-	Basudev Bddar	Makhdumpur	Navingagar	Nvinagar	Aurangabad
120	Birendra Chauhan	Kailas Chauhan	Batauta	Karimandih	Mohangang	Plamu
121	Pipriya Kamin	Balak Shankar Noniya	Kusmalsdiha	Parriya	Simra	Aurangabad
122	Rajendra Ram	Ishwar. Prasad	Serpur	Gurua	Gurua	Gaya
123	Dharmraj Ram	Ganpat Ram	Sherpur	Gurua	Gurua	Gaya
124	Damadhar Ram	Tilu Ram	Sd-	Aamas	Aamas	Gaya
125	Reshmi Kamin	Ramchandra Chauchan	Kandi	Kandi	Sd-	Plamu
126	Kunti Kamin	Munilal Chauhan	Chamlpur	Phag	Goh	Aurangabad
127	Ramrup Noniya	Ram Sevak Naniya	Simiri Dhamni	Chainpur	Navinagar	Aurangabad
128	Adhesh Prasad.	Sd-	Kharvana	Navadih	Sd-	Haribhag
129	Matilal Mandal	Kamal Mandal	Chotki Sariya	Sariya	Sariya	Giridih
130	Harihar Mandal	Ramlal Mandal	Thakur Tala	Sariya	Sariya	Giridih
131	Ram Kishun Mandal	Gopnath Mandal	Kushari	Kusavari	Sariya	Giridih
132	Umesh Mandal	Jaynath Mandal	Keswori	Sariya	Sariya	Giridih
133	Shri Sahadev Mandal	Lochand	Chotki Sariya	Sariya	Sariya	Giridih
134	Sri Akhilesh Kumar Singh	Ram Prasad Singh	Hasanpura	Sonvarsa	Sonvarsa	Aurangabad
135	Shri Devnandan Rajak	Bhanu Rajak	Makhdum	Janibigha	Ramdihra	Rohtash
136	Shri Lakhan Rawani	Aitwari Rawani	Rophath	Rophta	Ramdihra	Rohtash
137	Laldhri Mandal	Shukar Mandal	Chotki Sariya	Sariya	Sariya	Giridih
138	Shri Bijay Mandal	Shukar Mandal	Chotki Sariya	Sariya	Sariya	Giridih
139	Maldev Turi	Madhu Turi	Chandanani Colliery	Dhansar	Dhansar	Dhanbad
140	Shri Somar Paswan	Lakhan Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
141	Shri Gurupad. Rawani	Mdhu Rawani	Chandmanri Colliery	Dhansar	Dhansar	Dhambad
142	Shri Dhanu Turi	Rama Turi	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
143	Shri Ranchu Yadav	Mukund Yadav	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
144	Shri Sipahi Singh Yadav	Bangali Singh Yadav	Dhanbad	Dhanbad	Dhanbad	Dhanbad
145	Shri Suresh Mandal	China Mandal	Patam Braichak	Patam	Muffasil	Munger
146	Shri Pramod Kr. chourasia	Arjun Mandal	Baraichak	Patam	Muffasil	Munger
147	Shri Chatar Dhari Bhuiya	Lakhan Bhuiya	Ghira	Ghira	Halsi	Munger
148	Shri Mangal Bhuiya	Mohan Bhuiya	Ghira	Ghira	Halsi	Munger
149	Aanand Hajra	Madan Hajra	Sd-	Dhanbad.	Dhanbad.	Dhanbad.
150	Shri Tulsi Umar	Nathun Ravidas	Bhudhal	Bhudhal	Rphigang	Aurangabad

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151	Champa Devi	Churka Bhuiya	Kusunda Colliery	Kusunda	Kusunda	Dhanbad.
152	Shri Batsava Devi	Kishun Bhuiya	Khadsari	Shivsona	Jmui	Munger
153	Shri Suraj Bhuiya	Tulsi Bhuiya	Sonakhap	Shergdhati	Jmui	Gaya
154	Visheshwar Turi	Dhnishwar Turi	Chand Mari Colliery	Dhansar	Dhansar	Dhanbad
155	Shri Kuldeep Singh	Munarika Singh	Nadho	Agi Aav- Bajar	Agi Aav- Bajar	Bhojpur (Aara)
156	Shri Ram Bilash Pasvan	Janko Pasvan	Chhoti Mayapur	Navadeehu Pnadi	Pnadi	Hajaribag
157	Girja pasvan	Birju Pasvan	Madhuvaan	Phulvataad	Phulvataad	Dhanbad
158	Shri Lakshman Singh	Chabu Singh	Dhanbad	Dhanbad	Dhanbad	Dhnabad
159	Shri Bihari Pasvan	Ramlal Pasvan	Chhotki Mayapur	Nabadeeh	Panari	Hajaribag
160	Shri Mithu Yadav	Mahavir Yadav	Sarebad	Aghra	Jamui	Munger
161	Shri Kuldeep Prasad	Chhotan Bhuiya	Khdsari	Shivsona	Jamui	Munger
162	Shri Rajendra Ram	Raja Ram	Kasimpur	Abjuganj	Sultanjang	Bhalgalpur
163	Shri Kanahi Prasad Ravani Rawani	Dukhee Prasad Rawani	Bes Basiya	Kachra Kamdarpur	Japla	Plamu
164	Shri Ramanand Prasad	Munshi Prasad Rawani	Nanmateeya	Nanmateeya	Madanpur	Aurangabad
165	Satnarayan Pd. Rawani	Sita ram Pd. Rawani	Surjan Vigadh	Nanmateeya	Navinagar	Aurangabad
166	Shri Prabhu Bhuiya	Mangar Bhuiya	Banda	Phetahpur	Phetahpur	Gaya
167	Shri Ramdev Pd.	Ramprasad	Kandeeh-4	Bas jora	Loyabad	Dhanbad
168	Tilak Pd.	Munarik Noniya	Kandeeh	Kandeeh	Sd-	Palamu
169	Dhwarika Singh	Bhuledhar Singh	Hajaribag Road Station	Sariya	Sariya	Giridih
170	Ramjatan Chaudhri	Sardar Chaudhri	Kusbhabasdeeha	Pariya	Kutumba	Aurangabad
171	Puni pasi	Jagdhri Pasi	Gira	Gira	Halsi	Munger
172	Ramphal Pasi	Bandhu Pasi	Kharauna	Navadih Pnari	Hantar Gang	Hazaribag
173	Anwar Ansari	Gulam Ansari	An colliery	Bhagat Dih	Jhriya	Dhanbad
174	Rampukar Pasvan	Kamdev Pasvan	Bariya	Bariya	Mali	Aurangabad
175	Indradev Ram	Ramchndra Ram	Dulra	Dulra	Dulra	Gaya
176	Ramkrit Mahto	Jageshwar Mahto	Dhobra	Aamas	Simra	Aurangabad
177	Raj Kumar. Mahto	Muneshwar Mahto	Dhobra	Aamas	Simra	Aurangabad
178	Ramadhar Pr. Rawani	Jagdeesh Pd. Rawani	Sd-	Ramdihs	Rohtash	Rohtash
179	Ramdukar Prasad.	Kamdev Pd.	Bariya	Bariya	Mali	Aurangabad
180	Upendra Ram	Ramprasad. Ram	Karmari	Gosaidih	Nvinagar	Aurangabad
181	Shankar Mandal	Ramlal Mandal	Thakur Bari	Sanya	Sanya	Giridih
182	Koshal Kishor Ray	Maksudan Ray	Balvakabhari	Baskupi	Madhupur	Dumka
183	Ram Naresh Bhagat	Mahavir Bhagat	Bairiya	Bairiya	Mali	Aurangabad
184	Dev Kumar	Kamdev Kumar	Bairiya	Bairiya	Mali	Aurangabad
185	Ramadhar Ram	Shivnarayan	Sairpur	Gurua	Gurua	Gaya
186	Mulendar Pd.	Modho Pd.	Dhambad	Dhanbad	Dhanbad	Dhanbad
187	Sahdev Paswan	Doman Paswan	Pathra	Sd-	Makhdumpur	Jhanabad
188	Karu Mahto	Modho Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
189	Nepali Ram	Sakhora Ram	Kanchan pur	Kashipur	Barum	Aurangabad
190	Dharmraj Ram	Shiv Narayan Ram	Shairpur	Gura	Gura	Gaya
191	Sushila Devi	Sudama Chauhan	Kastunri Chankar	Poldih	Japla	Plamu
192	Umesh Hansda	Hemraj Hasda	Bhuli Basti	Bhuli Basti	Bankmor	Dhanbad
195	Laldev Ram	Chaman Ram	Makhdumpur	Navin Nagar	Navin Nagar	Aurangabad
196	Mandeep Prasad	IndradevGurua	Dagbar	Dagbar	Kutumba	Aurangabad

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197	Sarita Devi	Indrav Nonia	KusumaBasdiha	Badriya	Kutumba	Aurangabad
198	Viphan Noniya	Bigan Noniya	Victry Colliery	Dhansar	Dhansar	Dhanbad
199	Savitri Devi	Prakash Chauhan	Sd-	Sd-	Kutumba	Aurangabad
200	Surendra Prasad	Ram Swarup Paswan	Raunagad	Chakan	Sd-	Gaya
201	Karu Bhuiya	Kesho Bhuiya	Dharhara	Dhmel	Pakri Barma	Navada
202	Umesh Lal	Harinarayan	Sd-	Turarhi	Turarhi	Sd-
203	Sundri Kamin	Ramjeet Noniya	Simri Dhami	Chainpur	Mali	Aurangabad
204	N. Prasad	Jairam Ram	Mohanpur	Sd-	Sd-	Rohtas.
205	Gangiya Kamin	Rajkumar Chauhan	Sd-	Prariya	Kutumba	Aurangabad
206	Gunja Bhuiya	Makra Bhuiya	Bramchak	Aamas	Aamas	Gaya
207	Khopri Bhuiya	Chalitr Bhuiya	Bichvaiy	Bichvaiy	Lakkhisray	Munger
208	Ramni Kamin	Kali Charan Chauchan	Simri Dhamni	Chanpur	Mali	Aurangabad
209	Ramlal Bhuiya	Murat Bhuiya	Nathubigha	Khiryama	Madanpur	Aurangabad
210	Saryug Bhuiya	Manki Bhuiya	Vakilganj	Purnadih	Madanpur	Aurangabad
211	Saman Bhuiya	Hari Bhuiya	Vakilganj	Purnadih	Madanpur	Aurangabad
212	Chando Bhuiya	Rekha Bhuiya	Bania	Madanpur	Madanpur	Aurangabad
213	Virya kamin	Malick Chand Chauhan	Kusuma Badiha	Prariya	Kutumba	Aurangabad
214	Ramashish Buiya	Bajju Bhuiya	Khadsharee	Shibshona	Jamui	Munger
215	Kari Kamin	Narayan Thakur	Jainagar	Jainagar	Jainagar	Hazaribagh
216	Rambali Prasad	Ganesh Pd. Dash	Chandukhra	Nagvangad	Gurua	Gaya
217	Ramsawrup Bhuiya	Ramesh Bhuiya	Sav	Aams	Aamas	Gaya
218	Kameshwar Bhuiya	Chnari Bhuiya	Sahukarma	Raphi Gang.	Raphi Gang.	Aurangabad
219	Tpeshwar Bhuiya	Mna Bhuiya	Dhakhil	Dhakhil	Bribhay	Munger
220	Jitan Prasad	Maru Prajapat	Navadeeh	Tileshya	Aamas	Gaya
221	Rajkumar Bhuiya	Sd-	Khad Sari	Shivsana	Jamui	Munger
222	Chandra Bhuiya	Baiju Bhuiya	Katauna	Katauna	Katauna	Munger
223	Baleshwar Bhuiya	Lat Bhuiya	Khadsar	Shivsona	Jamui	Munger
224	Rajendra Bhैया	Karu Bhैया	Gushan Gang	Serghati	Serghati	Gaya
225	Doman Mahto	Ramsagar Mahto	Chapra Sahlan pur	Javnapur	Samstipur	Samastipur
226	Kishun Mahto	Kanhai Mahto	Pochagora	Bhendra	Navadih	Giridih
227	Murat Gop	Lakhkhi Gop	Dhayari	Bhendra	Navadih	Giridih
228	Basudev Kisku	Kishun Kisku	Pochagoda	Bhendra	Navadih	Giridih
229	Rajkumar Viskarma	Moti Viskarma	Uchak	Uchak	Uchak	Hazaribagh
230	Kalaicharan Chauhan	Balkeshwar Noniya	Simri Dhamni	Chainpur	Mali	Aurangabad
231	Dev Noniya	Chalita Noniya	Simri Dhamni	Chainpur	Mali	Aurangabad
232	Kailu Paswan	Govind Paswan	Panch Bigha	Hisuva	Hisuva	Navada
233	Bhuneshwar Kumar	Dhashai Ram	Atithi	Atithi	Sd-	Rohtash
234	Rampti Chauchan	Dukhan Chauchan	Chunahata	Chunahata	Naiyata	Rohtash
235	Bhulel Chauchan	Vukhan Chauhan	Chunahata	Chunahata	Naiyata	Rohtash
236	Rajendra varma	Bodhan Barma	Khadsuri	Shivsona	Jamui	Munger
237	Shambhu Prasad	Dhanan Prasad	Hathagdhi	Multana	Kamsandi	Hajaribag
238	Boleshwar Saw	Saryu Saw	Sd-	Karma	Dev	Aurangabad
239	Rajkumar Noniya	Late Vrikh Noniya	Budhva	Balugany	Balugany	Aurangabad
240	Jaykant Prasad	Kardhani Mandal	Kusumdiha	Prariya	Simra	Aurangabad
241	Saryug Beldar	Charitri Beldar	Dhanbad	Dhanbad.	Dhanbad	Dhanbad
242	Shyam Sundar Paswan	Modi Paswan	Dhanbad	Dhanbad	Dhanbad	Dhanbad

1	2	3	4	5	6	7
243	Kailash Paswan	Lakhan Paswan	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
244	Shiv Kumar Paswan	Sd-	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
245	Raja Beldar	Bhagal Beldar	Pirajaypur	Bliya	Kutumba	Aurangabad
246	Tulsi Paswan	Karu Paswan	Pasta Kola	Dhanbad	Jhariya	Dhanbad
247	Kameshwar Bhagat	Rameshwar Bhagat	Dhanbad	Dhanbad	Dhanbad	Dhanbad
248	Raj Balav Chauhan	Dev Narayan Chauhan	Moheyda	Kala Phar Tendua	Kutumba	Aurangabad
249	Raga Ram Beldar	Ramkishun Beldar	Karriya	Krimandih	Sd-	Plamu
250	Minti Devi	Rampti Chauhan	Chunhata	Chunhta	Nauhta	Rohtash
251	Umesh Ram	Modho Ram	Sherpur	Gurua	Gurua	Gaya
252	Ajay Ram	Ram Pravesh Ram	Chauram	Dhaunagar	Dhaunagar	Aurangabad
253	Bijay Prasad.	Titai Prasad	Maryanri(Mokhra)	Maryanri(mokhra)	Barun	Aurangabad
254	Doman Bouri	Modhubauri	Dhanbad	Dhanbad	Dhanbad	Dhanbad
255	Suresh Mandal	Nirmal Mandal	Chtki Sariya	Sariya	Sariya	Giridih
256	Saryug Mhato	Prameshwar Mahto	Manitad	Dhanbad	Dhanbad	Giridih
257	Laljeet Paswan	Videshi Paswan	Dhansar	Hisua	Hisua	Navada
258	Amir Paswan	Bideshi Paswan	Dhansar	Hisua	Hisua	Navada
259	Munilal Chauhan	Ramwat Chauhan	Chamalपुरा	Phay	Ghoh	Aurangabad
260	Bhagwati Rajvansi	Bijay Rajwansi	Sd.	Dhanbad	Dhanbad	Dhanbad
261	Rambali Prasad	Judagir Prasad	Tara	Tara	Dhaudnagar	Aurangabad
262	Mahendra Kr. Saw	Baijnath Saw	Kalhua	Bandri Bagar	Sd-	Sd-
263	Bhagwan Thakur,	Gomni Thakur	Sjajan	Beni	Japla	Plamu
264	Bnarso Prasad.	Jamuna Ray.	Chapra Shalanpur	Sd-	Samastipur	Samastipur
265	Shri Rameshwar. Prasad	Dhudheshwar Prasad.	Mahuyri	Makhra	Barun	Aurangabad
266	Glushi Beldar	Dhukan Beldar	Raghubigha	Simra	Mali	Aurangabad
267	Bhuneshwar Prasad	Bansi Prasad	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
268	Mithilesh Kumar	Radheshyam	Mhuyari	Makhra	Barun	Aurangabad
269	Sohan Saw	Jhodhan Saw	Kaladara	Uchak	Uchak	Aurangabad
270	Ashok Kumar	Damodar Dash	Aagra	Devkuli	Uchak	Hajaribhag
271	Arbind Kumar	Shri Ram dev Saw	Bara Jhiktiya	Primari	Karpi	Sd-
272	Devant Noniya	Chlitra Noniya	Dhamnisimri	Chainpur	Mali	Aurangabad
273	Shankar Saw	Sukhu Saw	Slamatpur	Tejibajar	Mahrajgang	Jainpur
274	Dhiran Prasad	Bhugeshwar Prajapati	Bandhu Bihha	Sd-	Bairya	Gaya
275	Sidheshwar Prasad	Karu Paswan	Basta Kola	Dhansar	Jhariya	Dhanbad
276	Kaleshwar Paswan	Ramvrikh Paswan	Simri Damni	Chainpur	Mali	Aurangabad
277	Jagdeesh Yadav	Bhaso Yadav	Chandmari	Dhansar	Dhansar	Dhanbad.
278	Sarjug Noniya	Guruyan Noniya	Raghu Bighha	Simra	Nvinagar	Aurangabad
279	Panchu Saw	Saryu Saw	Sd-	Sd-	Dev	Aurangabad
280	Munarik Saw	Harihar Saw	Sd-	Kusunda	Kenduadih	Dhanbad
281	Bangali Singh	Banbari Singh	Chhotki Sariya	Sariya	Sariya	Giridih
282	Aanand Singh	Bhagirath Singh	Khaira Mnoram	Chiraila	Kasma	Aurangabad
283	Bhismbhar Bhagat	Bhimal Bhagat	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
284	Bijay Paswan	Devi Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
285	Ramjanm Ram	Chandra Ram	Jain Bihga	Rona	Rophigang	Aurangabad
286	Ravindra Yadav	Bhagwat Yadav	Jhajha	Jhajha	Jhaja	Munger
287	Anurdh Noniya	Modi Noniya	Akbarpur	Akbarpur	Bad	Sd-
288	Munna Khaira					

1	2	3	4	5	6	7
289	Lakhan Noniya	Nankuh Noniya	Devipur	Bailiya	Chunhora	Sd-
290	Ramshiv Pasi	Ramkhelawan Pasi	Gaura	Gaura	Bigna	Sd-
291	Rasulal Gaudh	Ramchapit Godh	Kusunda	Kusunda	Kenduadih	Dhanbad
292	Dhaneshwar Noniya	Kodil Noniya	Kusma Basliha	Prariya	Simra	Aurangabad
293	Munna Noniya	Sundar Noniya	Sona	Haidarnagar	Haidarnagar	Plamu
294	Surendra Mahto	Kishun Mahto	Manitand	Dhanbad	Dhanbad	Dhanbad
295	Kpil Noniya	Magru Noniya	Kusma Basdiha	Prariya	Kutumba	Aurangabad
296	Kabutri Devi	Nashiv Chauhan	Kanauda	Haidarnagar	Haidarnagar	Plamu
297	Pravesh Ram	Mahjar Ram	Khori	Kasmo	Kasmo	Aurangabad
298	Bhola Rajak	Budhan Rajak	Gaushala More	Dhansar	Jharia	Dhanbad
299	Dharika Noniya	Ramchand Noniya	Simro Dhamki	Chainpur	Mali	Aurangabad
300	Birju Noniya	Shri Ram Prasad Chauhan	Rajku Kumhra	Husainabad	Japla	Plamu
301	Sahdev Chauhan	Devnarayan Chauhan	Monhida	Kalaphar Tendua	Kutumba	Aurangabad
302	Lalan Chauhan	Kailash Chauhan	Batov a	Karimandih	Mohammadganj	Plamu
303	Krishna Chauhan	Rambilash Chauhan	Braicha Dhanbad	Chunhtta	Nauhtta	Rohtash
304	Smt. Keshri Devi	Chauhan	Mojhida	Kala Phar Tendua	Kutumba	Aurangabad
305	Shivdant Chauhan	Ramjeet Chauhan	Sataiya Karma	Virota	Nvinagar	Aurangabad
306	Sahdev Mahto	Suresh Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
307	Suresh Pasvan	Jutos Pasvan	Banipadih	Sherghati	Shergati	Gaya
308	Bnaras Mahto	Devnath Mahto	Jalalpur	Save	Barsliganj	Navada
309	Madhu Mahto	Hira Mahto	Jalalpur	Save	Barsliganj	Navada
310	Saryug Mahto	Brahadev Mahto	Jalalpur	Save	Barsliganj	Navada
311	Bhikhari Yadav	Ramdhani Yadav	Barkidhari	Kudamluva	Roh	Navada
312	Indradev Bhuiya	Bhugeshwar Bhuiya	Subai	Shyamnagar nima	Amas	Gaya
313	Sadhu Bhuiya	Jageshwar Bhuiya	Nadhu Bigha	Khiryaya	Madanpur	Aurangabad
314	Sadi Bhuiya	Kanu Bhuiya	Brachak	Aamas	Aamas	Gaya
315	Badudev Prasad	Sd-	Khadsari	Shivsona	Jamui	Munger
316	Mahesh Prasad	Jagdeesh Pr. Chaurasya	Gopalpur	Khaipur	Jamui	Munger
317	Nathu Chauhan	Ramkisun Chauhan	Katriya	Karimandih	Mohmdadganj	Plamu
318	Shiv Chauhan	Doman Chauhan	Sd-	Raphiganj	Mohmdadganj	Aurangabad
319	Ramji Prasad.	Basudev Prasad.	Abuiya Tand.	Sariya	Sariya	Giridih
320	Ukran Bhat	Shabudhin Bhat	Sd-	Simra Bajar	Gopalpur	Gopalganj
321	Aanandi Yadav	Munarik Yadav	Sd-	Udhampur	Kasma	Aurangabad
322	Shankar Ram	Kpil Ram	Sherpur	Gurua	Gura	Gaya
323	Nepali Ram	Majhar Ram	Khalari	Kasma	Kasma	Aurangabad
324	R.B. Rajak	Prameshwar. Rojak	Gobindpur	Kasma	Kasma	Dhanbad
325	Koshari Paswan					
326	Dhanpad Pandit	Shalik Pandit	Arnabhashak	Khalari	Khaira	Munger
327	Prasad Dhobi	Digambar	Khadsari	Shivsona	Jamui	Munger
328	Baleshwar Yadav	Shanichar Yadav	Chanvara	Shivsona	Jamui	Munger
329	Tulsi Mahto	Masudan Mahto	Chanvara	Shivshona	Jamui	Munger
330	Naranyan Yadav	Tulsi Yadav	Chanvara	Shivshona	Jamui	Munger
331	Shivbalak Chauhan	Rampati Chauhan	Simri Dhavni	Chainpur	Mali	Aurangabad
332	Koshila Davi	Ramayan Noniya	Lakshaman Bigha	Kataiya	Kutuma	Aurangabad
333	Arjun Chauhan	Atwari Chauhan	Akdailpar	Gurunagar Pur	Silaw	Nalanda
334	Basanti Devi	Rajkumar Noniya	Budhva Baryama	Bulugang	Bulugang	Aurangabad

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335	Prakash Chauhan	Late Vriksh Chauhan	Budhva Baryama	Bulugang	Bulugang	Aurangabad
336	Bimal Paswan	Roshan Paswan	Dhugua	Mojak	Dhanurava	Patna
337	Madan Saw	Dhashrath Saw	Phatahpur	Jamuaarabag	Amas	Gaya
338	Brijanandan Beldar	Shiv Nandan Beldar	Sd-	Dhansar	Dhansar	Dhanbad
339	Krishna Prasad	Mathura Prasad	Navadih	Tilesar Bade Bajar	Amas	Gaya
340	Chuharmar Prasad	Ram Gahan Ram	Dihra	Muji	Karakat	Rohtash
341	Suresh Prasad	Gaunori Prasad	Makhdum Pur	Navinagar	Navinagar	Aurangabad
342	Mithitesh Kumar Singh	Dharam Singh	Chotki Sariya	Sariya	Sariya	Giridih
343	Ramanandan Chauhan	Baijnath Chauhan	Letuka	Kutuma	Bisrampur	Plamu
344	Rajdev Yadav	Ramdhani Yadav	Badak Dari	Sd-	Roh	Navada
345	Dineshwar Chauhan	Bilal Chauhan	Kaladar	Chaunhata	Nahata	Rohtash
346	Rupali Yadav	Dukhan	Dadav	Uchak	Uchak	Hazaribagh
347	Kova Chauhan	Munarik Chauhan	Kandi	Kandi	Sd-	Plamu
348	Sambhu Chauhan	Baijnath Chauhan	Letaka	Kutuma	Bisrampur	Plamu
349	Kamleshwar Noniya	Darika Noniya	Noniya Biha Dura	Durua	Japla	Plamu
350	Chandbatiya Kamin	W/o Bijay Chauhan	Budhwa Baryama	Balugang	Balugang	Aurangabad
351	Chhotan Yadav	Maheshwar Yadav	Mahadev Bigha	Odo	Hajua	Navada
352	Chandra Prasad	Late Chamuru Pandit	Arnma Vak	Khalsi	Khaira	Munger
353	Harichandra Prasad	Kismatram	Dhobi	Dhurgadih	Bikramgang	Rohtash
354	Badan Yadav	Ramdhani Yadav	Badki Sari	Kunda Bhulva	Roh	Navada
355	Uday Thakur	Phakur Thakur	Sd-	Kako	Jaynagar	Hajaribag
356	Prakash Mahato	Surendra Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
357	Raja Ram Chauhan	Mukhdev Chauhan	Lakshaman Bigha	Kataiya	Kutumba	Aurangabad
358	Sota Chauhan	Rampati Chauhan	Simridhamni	Chainpur	Mali	Aurangabad
359	Ramshukar Paswan	Keshwar Paswan	Taradih	Purnadih	Madanpur	Aurangabad
360	Chandan Chauhan	Ram Kishun Chauhan	Niv Govind ki	Sonadih	Baghmara	Dhanbad
361	Bal Chauhan	Sada bih Chauhan	Kalabudhan Bigha	Aonra	Aonra	Aurangabad
362	Israr Aalam	Mo Rahuk Aalam	Kachanpur	Jagdhishpur	Barun	Aurangabad
363	Mo Kamal Miya	Sd-	Sd-	Sd-	Sd-	Sd-
364	Yogeshwar Yadav	Ramkeshwar Yadav	Barvadih	Karimdih	Mohammadgang	Plamu
365	Maheshwar Prasad	Kishmat Ram	Ghana	Dhurgadih	Bikramgang	Rahtash
366	Bajnath Noniya	Shukar Noniya	Narola	Bal	Ubra	Aurangabad
367	Anga Bhuiya	Ramdev Bhuiya	Baniya	Madanpur	Madanpur	Aurangabad
368	Madan Paswan	Kamaldev Paswan	Sherpur	Gurua	Gurua	Gaya
369	Laldev Khaira					
370	Ramkhelawan Prasad	Bhudhan Prasad	Parsabad	Bardi	Bardi	Hajaribag
371	Balkishun Pashwan	Kameshwar Pashwan	Khankhna	Karma Pandi	Raphigang	Aurangabad
372	Sahdev Sav	Sukhi Sav	Lakhi Saray	Lakhi Saray	Lakhi Saray	Munger
373	Brijnandan Prasad	Jnani Ran	Sd-	Sanjhauli	Sanjhauli	Rohtash
374	Bimlesh Prasad	Radheshyam Prasad	Mahuyari	Makhra	Barun	Aurangabad
375	Ramadhesh Prasad	Tilu Tyare Prasad	Gamhariya	Amash	Amash	Gaya
376	Rasba Yadav	Budhan Yadav	Kala Dhar	Uchak	Uchak	Hajaribag
377	Banli Yadav	Nathu Yadav	Toiya	Salhara	Choparan	Hajaribag
378	Naresh Prasad Khaira	Surenda Prasad	Dhanbad	Dhanbad	Dhanbad	Dhanbad
379	Budheshwar Prasad	Ramdin Prasad	Badki Ganv	Sundragang	Bauru	Aurangabad
380	Rajendra Prasad	Chaube Prasad	Badka Ganv	Sundragang	Bauru	Aurangabad

1	2	3	4	5	6	7
381	Ganori Prasad	Kailuray	Chapra Sahalanpur	Sd-	Samastipur	Samastipur
382	Ramchandra Chauhan	Mangal Chauhan	Kurma Budhan Bigha	Aobra	Aobra	Aurangabad
383	Arjun Rabidas	Bhunesvi Rabidas	Janghira	Barachato	Barachato	Gaya
384	Savili Kamin	Rameshwar Beldar	Sd-	Kusunda	Kendua Area	Dhanbad
385	Kripali Kumar	Basdev Chaurasya	Dhanbad	Dhanbad	Dhanbad	Dhanbad
386	Raghunandan Ram	Samir Ram	Digghi Bola gang	Buraru Digghi	Koch	Gaya
387	Jangi vishvkarma	Ramyad vishvkarma	Kanchanpur	Kashipur	Barun	Aurangabad
388	Bhopali Singh	Chhorika Singh	Nado	Aagiaan Bajar	Aagiaan Bajar	Bhojpur
389	Ramanand Paswan	Madhraj Paswan	Sd-	Jamua	Sangrampur	Munger
390	Rambalak Dhadi	Krit dhadi	Maliva	Badki Molva	Sarvra	Sd-
391	Ramlal Mahto	Ram Dhati Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
392	Bigul Mahto	Ramdhani Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
393	Bajrangi Mahto	Jageshwar Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
394	Bahadur Bhuiya	Saryug Bhuiya	Dhira	Dhira	Halsi	Munger
395	Saman Bhuiya	Jethu Bhuiya	Dhira	Dhira	Halsi	Munger
396	Kelu Dhadi	Kailash Dhadi	Ankarpur	Dokesb	Sepur	Munger
397	Lakhan Prasad	Gobind Prasad	Nagar Keskari	Keshwari	Sariya	Giridih
398	Devchandra Chaudhari	Ramda Chaudhari	Kharauna	Nagdih Pnari	Hantar Gang	Hajaribag
399	Ramjeet Rajvanshi					
400	Mahendra Prasad	Chamal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
401	Arjun Paswan	Somaru Paswan	Kharvada	Kunda	Aurangabad	Aurangabad
402	Ajeet Baai					
403	Devnandan Noniya	Ramchandra Noniya	Kanoda	Haidarnagar	Haidarnager	Plamu
404	Ajay Prasad	Dhashrath Prasad	Bumer	Barachati	Barachati	Gaya
405	Baban Prasad	Jagdeesh Prasad	Thakur Bari Tola	Sariya	Sariya	Giridih
406	Manikchandra Chauhan	Rambilash Chauhan	Kusma Basdiha	Prariya	Kutumba	Aurangabad
407	Naranyan Chauhan	Saheram Chauhan	Lomolap Gamhriya	Navinagar	Navinagar	Aurangabad
408	Ramjit Prasad	Jawahar Prasad	Khairamanorath	Khairamanorath	Chirala	Kasama
709	Ramdhani Yadav	Sd-	Mopavpur	Sd-	Lalgang	Baliya
410	Abdhesht Yadav	Kailash Yadav	Badki	Kunda Bhaluv	Roh	Navada
411	Prameshwar Prasad	Jnani Ram	Bagaiya	Sanjholi	Sanjholi	Rohtash
412	Sadhu Chauhan	Rajkumar Chauhan	Kanauda	Haidarnagar	Haidarnagar	Plamu
413	Suthir Kumar	Narayan Das				
414	Laldev Yadav	Rampati Yadav	Sd-	Sd-	Sd-	Giridih
415	Nidev Kumar	Gobind Sav	Lakhisaray	Lakhisaray	Lakhisaray	Munger
416	Pravesh Prasad	Chitamani Mandan	Chhotki Sariya	Sariya	Sariya	Giridih
417	Paniaayar Thakur	Devnarayan Chauhan	Mojheeda	Sd-	Kutumba	Aurangabad
418	Kalicharan Thakur	Ram Dev Thakur	Kanki No-4	Basjora	Loyabad	Dhanbad
419	Ramashankar Prasad	Laghu Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
420	Mahabir Yadav	Chanarik Yadav	Sd-	Udhampur	Kasma	Aurangabad
421	Shyam Pyare	Shri Tilu Pyare	Gamyriya	Aamas	Aamas	Gaya
422	Ramdhni Sav	Jodhan Sav	Kaladar	Uchak	Uchak	Hajaribag
423	Naveli Devi	Basant Chauhan	Kandi	Kandi	Kandi	Plamu
424	Tuntun Kumar	Bisun Mandal	Thakur Bari	Sariya	Sariya	Giridih
425	Karu Bhuiya	Mahabir Bhuiya	Sahrashpura	Sahrashpura	Jamui	Munger
426	Ghan Shyam Bhuiya	Bishun Bhuiya	Sahrashpura	Sahrashpura	Jamui	Munger

1	2	3	4	5	6	7
427	Raman Bhuiya	Moti Bhuiya	Dima	Jhajha	Jamui	Munger
428	Mahendra Prasad	Prasadi Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
429	Surel Prasad	Budhan Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
430	Ram Prasad	Nirmal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
431	Arjun Kumar	Nirmal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
432	Madan Yadav	Jitan Yadav	Manitad	Dhanbad	Dhanbad	Dhanbad
433	Visheshwar Rawani	Saudagar Rawani	Khadsari	Shivshona	Jamui	Munger
434	Jagarnath Prasad	Suchit Mahto	Baryarpur	Bakhtiyarpur	Bakhtiyarpur	Patna
435	Arjun Khaira	Ramchandra Rawani	Daud Nagar	Molabad	Daud Nagar	Aurangabad
436	Madna Yadav	Shabbalak Yadav	Hirapur	Dhanbad	Dhanbad	Dhanbad
437	Gulel Khaira					
438	Amir Chaudhari	Dhashrath Chaudhari	Adhuri	Shyamnagar	Aamas	Gaya
439	Suresh Prasad	Bhupar Mahto	Chandmari	Sariya	Sariya	Giridih
440	Bijay Prasad	Sanichar Prasad	Kapili	Kaplili	Sariya	Giridih
441	Binay Prasad	Koli Prasad	Chandmari	Sariya	Sariya	Giridih
442	Mohan Yadav	Satynarayan Yadav	Baniyadih	Naniyadih	Giridih	Giridih
443	Birdha Prasad.	Kamal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
444	Devmuni Prasad	Radheshyam Prasad	Mahuyari	Makhra	Barun	Aurangabad
445	Rajendra Kumar	Soban Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
446	Prabhu Prasad	Babaji Mahto	Chapra Sharanpur	Javinapur	Samastipur	Samastipur
447	Rajdev Yadav	Late Ramshrup Yadav	Kanki No-4	Basjora	Loyabad	Dhanbad
448	Dineshwar Chauhan	Rajkumar Chauhan	Kanauda	Haidarnagarh	Haidarnagar	Plamu
449	Rupali Yadav	Ramshrup Yadav	Manjhauli Khaira	Udhampur	Kasma	Aurangabad
450	Kaila Chauhan	Ramlal Chauhan	Dhamni Simri	Chainpur	Mali	Aurangabad
451	Chuharmal Bishkarma	Sd-	Kathbara	Madhauna	Gurua	Gaya
452	Suresh Paswan	Khori Paswan	Diha	Diha	Pariya	Gaya
453	Mithilesh Kr. Singh	Bahapur Singh	Chhotki Sariya	Sariya	Sariya	Giridih
454	Ramanand Chauhan	Darika Chauhan	Noniya Bigha Druka	Druka	Japla	Plamu
455	Jay Chauhan	Basdev Chauhan	Ubnagar	Posma	Aurangabad	Aurangabad
456	Biredra Kr Mista	Yadunandan Mista	Sd-	Baliya	Gurua	Gaya
457	Ram Briksh Ram	Yandan Mishra	Serpur	Gurua	Gurua	Gaya
458	Darika Das	Ganpat Das	Serpur	Gurua	Gurua	Gaya
459	Kpil Mistra	Jagdeesh Mistra	Arur Pirkha	Baliya	Gurua	Gaya
460	Bachchan Das	Damodar Das	Aara	Devkuli	Uchak	Hajaribag
461	Shivnandan Das	Budu Das	Itamakhari	Kasma	Bdarphegang	Aurangabad
462	Raj Kumar Prajapati	Udeshwar Prajapati	Rajhara Kothi	Rajha	Bishmdur	Plamu
463	Raj Kumar Sav	Rameshwar Sav	Phatehpur	Jamuaarakala	Aamas	Gaya
464	Satedra Prasad	Sita Ram	Sadanandanpur	Bigha	Begusaray	Begusary
465	Khushi Yadav	Phitan Yadav	Chhotki Sariya	Sariya	Sariya	Giridih
466	Krishna Yadav	—	—	—	—	—

2. After receipt of the reference, both parties are noticed. Ld. Counsel for the workman submits that workman is not interested. to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 13/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/44/2007-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2010) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/44/2007-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 13 of 2010

Employers in relation to the management of
W.J. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri. D.K. Verma, Advocate

For the workman : Shri D.Kumar, Advocate

State : Jharkhand

Industry : Coal

Dated : 27/10/2014

AWARD

By Order No.L-20012/44/2007-IR (CM-I), dated 05/02/2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Janta Mazdoor sangh from the management of mahuda Group under Western Jharia Area of M/s BCCL for Payments of (a) wages from 08.04.2004 to 20.10.2004, (b) illegal and premature period of retirement (C) Gratuity up to the date of normal retirement and (d) fringe benefits like Attendance Bonus etc is justified and legal? (ii) To what relief is the workman concerned entitled?”

2. The case is received from the Ministry of Labour on 18.02.2010. After notice both parties appeared, the Sponsoring Union files their written statement on 01.11.2010. Thereafter the management files their written statement-cum-rejoinder on 15.06.2011. Neither evidence nor any document marked by the parties.

3. The Short point to be decided in the reference, whether the workman was allowed to retire prematurely or not.

4. The workman submits that his date of Birth is 1948 but he was asked to retire before 4 years. On the other hand the management submitted that the workman after rendering 42 years of service, he has been retired and all his dues are paid and his claim is vague. It is also submitted by the management that the workman though asked to appear before Apex Medical Board for determination of his age, he did not appear. Even he did not appear before the enquiry officer.

5. Though the management took the specific plea that the workman rendered 42 years of service, in the rejoinder filed by the workman, he without being denying the said plea, submits that he was working in the surface as office boy at the age 12.

6. It was not his plea anywhere prior to rejoinder that the workman rendered service at his 12th years of age. Hence the plea of the workman is not acceptable and he is rightly superannuated.

7. Considering the facts and circumstances of this case, I hold that the demand of Janta Mazdoor Sangh from the management of mahuda Group under Western Jharia Area of M/s BCCL for Payments of wages from 08.04.2004 to 20.10.2004, illegal and premature period of retirement, Gratuity up to the date of normal retirement and fringe benefits like Attendance Bonus etc is not justified and not legal, Accordingly he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 63/2005) को

प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/19/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/19/2005-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 63 of 2005

Employers in relation to the management of
Kusunda Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri. D.K.Verma, Advocate

For the workman : Shri K. N. Singh, Rep.

State : Jharkhand Industry : Coal

Dated : 14/10/2014

AWARD

By order No.-L-20012/19/2005 IR-(C-I), dated. 19/07/2005 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Simlabahal Colliery of M/S BCCL in dismissing sri Muneshwar Bhuia M/Loader from the service of the company w.e.f 06.01.2004 is justified? If not, to what relief is the concerned workman entitled?”

2. The case is received from the Ministry of Labour on 22.08.2005 After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 20.07.2006. The management files their written statement on 05.08.2010. The point involved in the reference is that the workman has been dismissed from his service on absenteeism.

3. During preliminary hearing it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for 10 years. It is felt to give another chance to the workman to serve.

4. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee. But the workman be kept under probation for the period two year and his performance report be given to the under signed. Therefore the question of back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 60/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/3/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/3/2005-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 60 of 2005

Employers in relation to the management of
Joyrampur Colliery M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K.Verma, Advocate

For the workman : Sri Pintu Mondal

State : Jharkhand Industry : Coal

Dated : 16/10/2014

AWARD

By order No. L-20012/3/ 2005-IR (C-1) dated 19/07/2005, the central Government in the Ministry of

Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Joyrampur Colliery in dismissing Sh. Sudam Ravidas, Miner Loader from service w.e.f. 22/05/2002 is justified whereas he had already expired on 10/05/2001? If not, whether the demand of Jharkhand Janta Mazdoor Union that Smt Chapala Devi, widow of the deceased workman be given employment under the provisions of NCWA is justified? If so, what orders are necessary in this regard and to what other relief, if any, the workmen or his dependents is /are entitled?”

2. This Case is received from the Ministry on 22.08.2005. After receipt of the reference, both parties are noticed. During the pendency of the case Sponsoring Union, praying that the workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 46/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/275/2004-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/275/2004-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

Ref. No. 46 of 2005

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Employers in relation to the management of
P.B. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Sri N.G. Arun, Rep.

State : Jharkhand

Industry : Coal

Dated : 17/10/2014

AWARD

By order No. L-20012/275/2004-IR (C-1) dated 02/06/2005, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of the management of BCCL, PB Area to stop payment of ‘Other Allowances’ (for empty tub pushing loosemanship, Material lowering, Rope pulling and Tipper and Tipper Allowance) to the Trammers is justified in view of the duties of Trammers as prescribed by NCWA? If not, to what relief are the workmen entitled? What other orders, if any, are required in this regard?”

2. This Case is received from the Ministry on 18.07.2005. After receipt of the reference, both parties are noticed. During the pendency of the case Sponsoring Union, praying that the workman is not interested to contest the case, It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 45/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/23/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2011) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/23/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

Ref. No. 45 of 2011

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Employers in relation to the management of
P.B. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal

Dated : 15/10/2014

AWARD

By order No. L-20012/23/2011-IR (C-1) dated 02/09/2011, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of the management of P. B. Area of M/s. BCCL in not regularizing Sri Jagmohan Rajak as Tyndel Jamadar is justified and fair? To, what relief the workman concerned is entitled to?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 5/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/205/2003-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/

2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/205/2003-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 5 of 2004

Employers in relation to the management of
Kustore Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : Sri Manas Chatterjee, Rep.

State : Jharkhand Industry : Coal

Dated : 16/10/2014

AWARD

By order No.-L-20012/205/2003 IR-(C-I), dated. 24/12/2003 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Kustore Area in terminating the Service of Sri Arjun Rajwar, Miner Loader w.e.f 13.8.97 is justified? If not, to what relief is the workman entitled?”

2. The case is received from the Ministry of Labour on 02.01.2004 After receipt of reference, both parties are noticed. The Sponsoring Union files their written statement. The point involved in the reference is that the workman has been dismissed from his services on absenteeism.

3. During preliminary hearing it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for 17 years. It is felt to give another chance to the workman to serve.

4. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee. But the workman be kept under probation for a period one year and his performance report be given to the under signed. Therefore the question of back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

SCHEDULE

का.आ. 3143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/414/2002-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 15/2003 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Benjemehari Colliery, M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/414/2002 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 15 OF 2003

PARTIES: The management of
Benjemehari Colliery, ECL

Vs.

Smt. Bechia Devi

REPRESENTATIVES:

For the management : Sri P. K. Das, Ld. Advocate

For the union : Sri Rakesh Kumar, General
(Workman) Secretary, KMC**INDUSTRY:** COAL **STATE:** WEST BENGAL

Dated - 07.08.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/414/2002-IR(CM-II) dated 10.07.2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

"Whether the action of the management of Benjemehari Colliery of ECL in not providing employment to Smt. Bechia Devi, W/o Late Lakhan Chouhan is legal and justified? If not, to what relief she entitled?"

Having received the Order NO. L-22012/414/2002-IR(CM-II) dated 10.07.2003 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 15 of 2003 was registered on 21.07.2003. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

The dependent of the workman has stated that in his written statement that Late Lakhan Chouhan was a permanent employee of Benjemehari Colliery under Salanpur Area of M/s. ECL designated as Tyndal. Sri Lakhan Chouhan died on 24.05.1995 while he was on the role of the company. That as per provision of Wage Agreement / NCWA one dependent of the deceased employee is entitled to get the employment. Accordingly wife of Late Lakhan Chouhan applied for providing employment and submitted all required documents for providing employment. Management did not proceed the employment proposal on the plea that they had dismissed Late Lakhan Chouhan on the ground of absenteeism on 08.03.1996. During conciliation proceedings management stated that the name of Late Lakhan Chouhan was deleted from the roll of the company as he was absenting from 16.05.1995, so employment can not be given to the dependent. The management should produce the dismissal approval of the competent authority as per the statement of the management, the workman absented from duty w.e.f. 16.05.1995 but the workman Late Lakhan Chouhan died on 24.05.1995. Late Lakhan Chouhan died while he was in service/role of the company. If there was any dismissal order, then, it was after the death of Late Lakhan Chouhan. Therefore as per NCWA agreement one dependent of deceased employee was entitled for employment in the Colliery. Wife of Late Lakhan Chouhan along with children does not have any source of income. She is at the stage of starvation. She is entitled for employment because Late Lakhan Chouhan died while he was in service, therefore as per wage agreement NCWA-V, the management is bound to provide employment to the dependent of the deceased. Smt. Bechia

Devi is illiterate and ignorant of the rules and regulations of the company. She has claimed for employment in place of her husband but management not heard.

The management in spite of the opportunity given by the tribunal has not filed written statement.

Smt. Bechia Devi has examined herself as witness. 12 Xerox copies of documents have been filed by the union. Management has not filed any documentary or oral evidence in their support.

I have heard the argument of Sri Rakesh Kumar on behalf of the union/workman and Sri P. K. Das Ld. Advocate on behalf of the management.

Sri P. K. Das argued that the reference is misconceived; union has not challenged the dismissal order. Dismissal order is correct. Therefore Smt. Bechia Devi wife of Late Lakhan Chouhan is not entitled for employment. On the other hand Rakesh Kumar had argued that deceased Lakhan Chouhan died on 24.05.1995, he was absent from 16.05.1995. Neither any enquiry has been conducted nor any copy of enquiry report or dismissal order furnished to the dependent of the deceased Lakhan Chouhan. If there had been an enquiry, the management would have given the copy of enquiry report and dismissal order. Late Lakhan Chouhan died while in service therefore as per NCWA agreement wife of deceased Smt. Bechia Devi entitled for employment in place of deceased Late Lakhan Chouhan.

It is not disputed that Late Lakhan Chouhan was a permanent employee of Benjemehari Colliery. The death report of Late Lakhan Chouhan has been filed on record by the union. Dr. Masood Alam has certified on 24.05.1995 that Sri Lakhan Chouhan died at 07:00 a.m. Moreover death certificate of Late Lakhan Chouhan issued on 03.07.1997 has been filed on record. Death certificate has been issued by government department and certified that his death occurred on 25.05.1995.

It is unpleasant surprise that the Tribunal afforded several opportunities to the management for filing written statement from 10.11.2004 to 05.06.2013. Tribunal has afforded opportunities to the management on 30 dates. But in spite of that management did not care to tender their written statement. It is very shocking state of affair that the management has not filed the enquiry report and dismissal order of deceased Lakhan Chouhan, on basis of which the deceased employee was dismissed. The Xerox copy of the letter of Dy. CME of Benjemehari Colliery addressed to the ALC, Asansol dated 20.06.200 has been filed by the union. In that letter office of the management has narrated that the service of Late Lakhan Chouhan was terminated on and from 08.03.1996 on long absenteeism ground. If there was any dismissal order,

then naturally before passing the dismissal order there ought to be had been a departmental enquiry against the deceased workman. It is evident from the record that the charge sheet was issued to Late Lakhan Chouhan on 16.06.1995 after his death, but there is no explanation of deceased workman by the management.

But why the enquiry report is not submitted on the file of the Tribunal, the reason is best known to the employer. Though Rakesh Kumar on behalf of the union/workman had argued that in spite of request, management has not provided the enquiry report because no enquiry was held. No enquiry can be held against a dead person.

Domestic enquiry in Industrial Law has acquired great significance and Industrial adjudication attaches considerably importance to such enquiry. In number of cases, the hon'ble Supreme Court has observed that an enquiry is not an empty formality, but an essential condition to the legality of the disciplinary order. In other words before the delinquent workmen can be dismissed for misconduct, the employer shall hold a fair and regular enquiry into the misconduct. Dismissal without holding a regular enquiry would be an illegality. It is well settled that disciplinary enquiry has to be a quasi-judicial enquiry. It should be held according to principles of natural justice and Enquiry Officer has a duty to act judicially into enquiry of misconduct. If charges of misconduct are proved, will result not only in deprivation of livelihood of the workman, but also attach stigma to his character. The disciplinary enquiry is only for the purpose of establishing the guilt of a particular workman. If the foundation has not been properly led, then edifice can't remain.

In order to able to take part in enquiry the charged workman must have notice of the date, time and place of enquiry. Even if the workman fails to submit his reply to the charge sheet the Enquiry Officer is not absorbed from his duty to send the notice to the delinquent workman informing him about the date, time and place of enquiry which would enable him to produce his witness and cross-examine the witness against him.

Industrial Employment (standing orders) Act, 1946, rule 17 (1) prescribes that if the workman is continuous absent without permission and without satisfactory cause for more than 10 days, disciplinary proceeding against act of misconduct can be held. Subsection 2 prescribes that unless workman concerned is informed of the alleged misconduct and opportunity is provided to the workman to explain the allegation, then only departmental enquiry can be held. The workman is absent from 16.05.1995 he died on 25.05.1995 his absence was only for 9 days i.e. less than 10 days. Therefore according to Industrial Employment (standing orders) Act, 1946, there was no

need to conduct the enquiry against the workman because the absence of the workman is less than 10 days. But even if any departmental enquiry was held, it ought to have been held following the rules of natural justice.

If before issuing the charge sheet the workman was no more alive then how it could have been possible to proceed with departmental enquiry. Enquiry Officer did not take care of serving the notice to the deceased workman. If the Enquiry Officer had taken care to serve the notice upon the delinquent deceased workman he surely would have known about the death of the delinquent workman. Due to this lacuna the enquiry report and dismissal order has not been filed before the Tribunal.

As per NCWA agreement the copy of which filed by the union there was memorandum of agreement between management and union. As per the para 9.3.0, 9.3.2 and 9.5.0 of the agreement the management has to provide to one dependent of the deceased workman. In case of female the age of female should be under 45 years.

The Xerox copy of service record of Late Lakhan Chouhan has been filed. As per record of ECL the date of birth of Late Lakhan Chouhan is 1937. He died in 1995 i.e. on the date of death his age was 58 years which is less than 60 years, before the date of superannuation. The copy of family composition of Smt. Bechia Devi date 31.03.1998 has been filed. The age of Smt. Bechia Devi as per his document is 40 years. She is less than 45 years. Therefore on the death of deceased workman his wife Smt. Bechia Devi was eligible for employment as per agreement of the management.

In view of this matter I think it just and proper to modify and substitute the same by exercising the power u/s II (a) Industrial Dispute Act 1947. The order of the dismissal of deceased workman Late Lakhan Chouhan is hereby set-a-side and it is hereby directed to provide employment to Smt. Bechia Devi widow of Late Lakhan Chouhan in place of Late Lakhan Chouhan who died while he was in service.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 97/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/363/1998-आई आर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No.97/1999 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of J.K. Ropeways of M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/363/1998 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 97 OF 1999

PARTIES: The management of J. K.
Ropeways of M/s. ECL
Vs.
Sri Amla Zamadar

REPRESENTATIVES:

For the management: Sri. P.K. Das Ld. Adv.

For the union Rakesh Kumar, President of
(Workman): the union

INDUSTRY: COAL STATE: WEST BENGAL

Dated - 10.09.14

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/363/98-IR(CM-II) dated 07.07.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of General Manager, ECL, J. K. Ropeways, Po: Kajoragram,

Distt: Burdwan in denying reinstatement to Sh. Amla Zamadar is legal and justified? If not, to what relief the workman concerned entitled?"

Having received the Order of Letter No. L-22012/363/98-IR(CM-II) dated 07.07.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 97 of 1999 was registered on 23.07.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The case was fixed for put up on 22.10.2014 but put up on 01.09.2014 on the basis of a petition filed by Sri Rakesh Kumar, President of the union.

In the petition Sri Rakesh Kumar prays to close the case and to pass a "No Dispute Award" as the workman is no more interested to proceed with the case further. Since the workman has no interest to proceed with the case further, I think it reasonable to close this old case. As such the case is closed and accordingly an order of "No Dispute Award" is hereby passed.

ORDER

Let an "Award" be and the same is passed as "No Dispute" existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 30/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/374/1999-आई आर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/2000 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Parascole Colliery,

M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/374/1999 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 30 OF 2000

PARTIES: The management of Parascole
Colliery of M/s. ECL

Vs.

Shri Bijan Kumar Bhattacharjee

REPRESENTATIVES:

For the management: Sri. P.K. Das Ld. Adv.

For the union (Workman): None

INDUSTRY: COAL STATE: WEST BENGAL

Dated - 11.09.14

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/374/99-IR(CM-II) dated 29.02.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Parascole Colliery of M/s ECL in dismissing Sh. Bijan Kumar Bhattacharjee, Sr. overman from service is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order of Letter No. L-22012/374/99-IR(CM-II) dated 29.02.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 30 of 2000 was registered on 13.03.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because the workman neither appeared nor took any step since 2007. It seems that the workman is now no more interested to proceed with the case further. The case is also too old - in the year 2000. As such the case is closed and accordingly an order of "No Dispute Award" is hereby passed.

ORDER

Let an "Award" be and the same is passed as "No Dispute" existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एमसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 34/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 2-12-2014 को प्राप्त हुआ था।

[सं. एल-22012/94/2010-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 34/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Ib Valley Area MCL, PO Brajrajnagar and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/94/2010 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT BHUBANESWAR

Present : Shri Pradeep Kumar, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 34/2011

L-22012/94/2010-IR(CM-II), dated 23.06.2011

Date of Passing Award – 10th of November, 2014

Between:

1. The General Manager,
Ib Valley Area MCL, Po. Brajrajnagar,
Dist. Jharsuguda,

2. The Director Personnel,
Mahanadi Coalfields Ltd.,
Jagruvi Vihar, Burla, At./Po. Burla,
Dist. Sambalpur ...1st Party-Managements

(And)

Their workman represented through the
Area Secretary, Ib Valley Area MCL,
G.M. Complex, Orissa Collieries Mazdoor Sangh,
At./Po. Brajrajnagar, Dist. Jharsuguda ...2nd Party Union

Appearances:

None : For the 1st Party-Managements.

None : For the 2nd Party-Unions.

AWARD

This reference was received in this Tribunal on 11.7.2011. The 2nd party-Union was required to file the statement of claim in pursuance of the order of reference dated 23.06.2011 within fifteen days from the date of receipt of the order of reference. But on failure of the 2nd party-Union to file the statement of claim, a notice was issued to it on 04.08.2011 by ordinary post. When the 2nd Party-Union did not respond to the notice and filed no statement of claim by the date fixed, a second notice under registered post was issued to it on 07.10.2011 to appear and file the statement of claim at Sambalpur Camp Court. But despite receiving the two notices, the 2nd party-Union neither turned up in the Tribunal nor taken any step to file the statement of claim. In order to provide ample opportunity to the 2nd Party-Union to appear and to file statement of claim another three notices, one through ordinary post on 31.7.2014 and two through registered post i.e. on 8.2.2012 and 10.9.2014 were issued to him. But, till today the 2nd Party-Union has not filed any statement of claim. Therefore it appears that either the 2nd Party-Union has lost interest in prosecuting its case or might have settled the dispute with the Managements amicably out of the court. In absence of any pleadings raised by the 2nd Party-Union no adjudication of dispute can take place.

2. Under the above circumstances this Tribunal is of the view that a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग, बिलासपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ

संख्या सीजीआईटी/एलसी/आर/37/00) को प्रकाशित करती है जो केन्द्रीय सरकार को 2-12-2014 को प्राप्त हुआ था।

[सं. एल-40012/313/99-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. CGIT/LC/R/37/00) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department, Bilaspur and their workmen, received by the Central Government on 02/12/2014.

[No. L-40012/313/99-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/37/00

Shri Nageshwar Rao,
S/o Shri Sudha Rao Jadhav,
Nr. Shiv Hanuman Mandir,
Tilaknagar, Bilaspur ...Workman

Versus

Telecom District Manager,
Telecom Department,
Bilaspur ...Management

AWARD

(Passed on this 10th day of November, 2014)

1. As per letter dated 27-1-2000 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No.L-40012/313/99-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Telecom District Manager, Telecom Department, Bilaspur in terminating the services of Shri Nageshwar Rao, Driver w.e.f. 16-3-99 is legal and justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to parties. Ist party workman filed statement of claim at page 3/1 to 3/2. Case of workman is that from 1-7-93, he was appointed as Driver with IInd party. His service record

was excellent. On 16-3-99, he was transferred to Korba. He expressed his inability to go to Korba. Thereon his services were orally terminated by IInd party without notice. He was not paid retrenchment compensation. Termination of his service is in violation of Section 25-F of I.D. Act. Instead of regularization, his services after six months, he was kept temporarily for long period. On such ground, workman prays for his reinstatement with consequential benefits.

3. IInd party filed Written Statement denying workman was continuously working as Driver from 1-7-93. That appointment of casual labour are banned from 1985. Workman was never engaged by management. There was no question of transfer of workman to Korba. There was no question of regularization of his service. Workman was not retrenched by IInd party. On such ground, IInd party prays for rejection of claim.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

- | | |
|---|--|
| (i) Whether the action of the management of Telecom District Manager, Telecom Department, Bilaspur in terminating the services of Shri Nageshwar Rao, Driver w.e.f. 16-3-99 is legal and justified? | Termination of service of workman by IInd party is not proved. |
| (ii) If not, what relief the workman is entitled to?” | Workman is not entitled to any relief. |

REASONS

5. Though workman is challenging termination of his service for violation of Section 25-F of I.D. Act, he has failed to participate in reference proceeding. IInd party filed affidavit of its witness Silbanus Xalxo supporting contentions in Written Statement of IInd party. His evidence remained unchallenged. Workman remained absent and failed to cross-examine management's witness. I find no reason to discard evidence of management's witness. Workman failed to substantiate his contentions, termination of his services by management is not established. Accordingly I record my finding in Point No.1.

6. In the result, award is passed as under:-

- (1) The termination of services of workman by management is not established.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

AWARD

का.आ. 3148.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयल इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 09/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-30012/22/98-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 09/2014) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil India Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-30012/22/98-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GUWAHATI, ASSAM.**

Present : Shri L.C.Dey, M.A., LL.B.
Presiding Officer,
CGIT-cum-Labour Court,
Guwahati.

Ref. Case No. 09 of 2014

(Arising out of Ref. Case No.15(c)/99
of Industrial Tribunal, Assam, Guwahati.)

In the matter of an Industrial Dispute between :-

The workmen represented by General Secretary, Oil Man
Management Drilling Workers' Union, Duliajan, Assam

.....Claimant/workman.

-Vs-

The Management of Oil India Ltd. Duliajan, Assam &
M/s. Delthech India (P) Ltd., Guwahati.

.....O.P/Management.

APPEARANCES

For the Workman : None Appeared.

For the Management : Mr. S.N. Sarma,
Sr. Advocate.
Mr. A.Jahid, Advocate

1. This Reference has been initiated on an Industrial Dispute raised by General Secretary, Oil Man Management Drilling Workers' Union Duliajan, Assam against the management of Oil India Ltd, Duliajan, Digboi for regularisation the service of the workers engaged through Oil India Registered Contractors; which was referred to the Industrial Tribunal, Guwahati, Assam vide Ministry's Order No. L-30012/22/98-IR(M), dated 08.06.1999 for adjudication. The schedule of this reference is as under:

SCHEDULE

"Whether the claim of the union (contractual workers' union) for regularisation of their service in Oil India Ltd. (contract workers engaged through Oil India Registered contractors) is justified? If not, to what relief these contractual workers are entitled?"

2. Accordingly the learned Presiding Officer, Industrial Tribunal, Guwahati, Assam registered reference case No.15(C)/1999 and issued notice upon both the parties. Both the parties submitted their respective written statement and the Additional W.S. along with the documents. The management along with their W.S. submitted petition for framing the preliminary issue regarding maintainability of the instant reference. While the learned Presiding Officer, Industrial Tribunal, Guwahati after hearing both the sides rejected the prayer for framing preliminary issue & decided to decide the reference on merit vide order dated 27.3.2000. Being aggrieved & dissatisfied with the order dt. 27.3.2000 the Management preferred a Writ Being W.P.(C) 5740/2000 before the Hon'ble Gauhati High Court which remanded the matter to the Tribunal for deciding preliminary issue vide order dt. 1.8.02. In the mean time a corrigendum was issued by the Ministry of Labour, Government of India vide their No. L-30012/22/1998-IR(M) dated 12.5.2003 amending the Schedule which reads as follows :

" Whether the claim of the Union for regularisation of workmen mentioned in the list attached in Oil India Ltd. is justified? If so, what relief those workmen are entitled to?"

The learned Presiding Officer, Industrial Tribunal, Guwahati, Assam upon hearing both the sides quashed the corrigendum on the ground that the corrigendum of the Schedule is completely different which superseded the first reference vide his order dated 10.6.2005 in reference case No. 15(C)/99. Upon hearing both the sides the learned Presiding Officer has framed the preliminary issue on the maintainability of the reference & examined one witness each from both the sides and on completion of hearing of both the parties passed an Award dated 26.9.2005 deciding the preliminary issue in negative.

3. On being aggrieved and dissatisfied with the award dated 26.9.2005 passed by learned Industrial Tribunal,

Guwahati, Assam the union preferred Writ before the Hon'ble High Court being W.P.(C) No. 265/07. The Hon'ble High Court vide their order dated 29.5.2014 after hearing both the sides remanded the reference setting aside the Award dated 26.9.05 with direction to this Tribunal to hear the parties and to pass a judgment in accordance with the law on the basis of the materials on record within a period of 3 months from the date of the appearance of the parties. On receipt of the record along with the order of the Hon'ble Gauhati High Court as mentioned above, notices were issued upon both the parties. The Management appeared through their learned Advocate Mr. S.N. Sarma, Sr. Advocate assisted by Mr. A.Jahid while the Union did not appear and the notice issued upon the Union returned without service with the remarks of the Postal Authority as "non known". Thereafter notice was issued against the learned Advocate for the Union Mr. A. Dasgupt, learned Sr. Advocate, Guwahati who on receipt of the notice through his learned junior Advocate Mr. A. Kundu submitted petition stating that the Union have not engaged him. From the order of the Hon'ble Gauhati High Court dated 29.5.2014 passed in W.P.(C) No.265/07 it appears that Mr. A.Dasgupta, learned Sr. Advocate appeared on behalf of the Union and both the parties contested the case before the Hon'ble High Court. Considering the above circumstances and having regard to the order of the Hon'ble High Court with direction to dispose of the reference within 3 months from the date of appearance of the parties/their counsel; finding the Union/their learned Counsel not inclined to appear before this Tribunal, I have heard the management ex-parte and accordingly this reference is going to be disposed of in the light of the order of the Hon'ble High Court.

4. The case of the Union as it reveals from the claim statement submitted by them, in brief, is that the workers Union namely Oil Man Management Drilling Workers Union which is registered under Trade Union Act having its registered office at Kumudnagar, Duliajan, District-Dibrugarh and there were 67 numbers of workers and all of them being contract labourers had been engaged in drilling operation of different Oil field of Oil India Ltd. In order to explore Oil the Company has to install rig in a particular oil field to extract crude oil and these rigs are to be installed by the workers involved in this reference, and the jobs performed by the concerned workers are of perennial in nature. After collection of the crude oil, the process of refining started in different oil refineries. The workers involved in this case are engaged for installation of rigs which is a specialized job and the persons who are engaged in this operation are to be selected by the Company which requires to hold an interview in this regard by the management if the company consider that these persons to be employed by the contractor are suitable for the job assigned to them they can be engaged by the contractor; and in fact, the contractor has no control to engaged any contract labourer for the job

assigned to the contractor. Since the operation of installation of rigs are directly supervised by the Technical experts like engineers and other persons of the Company and the contractor has nothing to do with this job. It is also mentioned that similar type of job are also being performed by the regular employees of the company and at present there are about 12 Oil fields where the company is carrying out the job of exploration of crude oil by way of drilling as stated above. As such, it is a fit case where the engagement of contract labourers is prohibited. As the contract between the contractor and the company is an illusory contract, and all the contract labourers are to be selected by the principal employer. The sole purpose of the show of engagement of contract labourers is to deprive the contract labourers to have their regular scale of pay as being paid to the regular employees of the Company. The category of jobs performed by concerned workers are Assistant Driller, Electrician, Heavy Crane Operator, Pipeline Fitter, Rig Fitter, Welder, Pump Fitter etc.

Further contention of the Union is that the contract labourers deserve to be regularized in the service of the company by abolishing or prohibiting the engagement of contract labour system for which the Union approached before the Assistant Labour Commissioner (C) whereupon the conciliation proceeding took place but the company declined to consider these employees as their employees and accordingly an FOC was submitted by the Assistant Labour Commissioner (C) before the Central Government with recommendation that the Central Government to take necessary step for abolishing of engagement of contract labourers in the jobs performed by the concerned workmen of this reference. Thereafter this reference was made by the appropriate government. It is mentioned that the workmen have been engaged for a period of 5 to 10 years continuously on being selected by the Company and the contractor have been shown to have changed from time to time but the contract labourers remain the same performing the same nature of job; and for all purpose these labourers are to be considered as the employees of the Company. The contractor has nothing to do but they used to receive some commission for purported supply of contract labourers, notwithstanding the fact that these labourers are directly engaged by the company. As such, the system adopted by the management is absolutely illegal, it should be discouraged and discontinued and all the employees involved in the jobs as stated above are to be considered as regular employees of the company. Hence, the Union prayed for passing award declaring that the workmen involved in this reference are regular employees of the Oil India Ltd. and they are entitled to have the regular scale of pay as being paid to the regular employees for these jobs from the date of their engagement.

5. The pleadings of the management of Oil India Ltd, in nutshell, is that the order of reference u/s 10 of the I.D. Act is illegal, incompetent and without jurisdiction as

there is no provision of referring any dispute under the Contract Labour (Regulation & Abolition) Act, 1970 as the concerned workmen are employed by the contractor namely M/S Deltech(I) Pvt. Ltd. ; and hence, the question of regularisation of service of the said contractual labourers by the principal employer does not arise and as such, the impugned order of reference itself is bad and liable to be rejected as it is not maintainable. The service condition of the contractual labourers are covered by contract Labour (Regulation & Abolition) Act, 1970 and the rules framed there under, and there is no master servant relation between the concerned workmen and the management of the Oil India Ltd. as such, the question of regularisation by the management of Oil India Ltd. does not arise. It is also settled position of law that appointment of contract labourer can be prohibited only by the Appropriate Government by abolishing the contract labour system under Section 10 of the Act; and their being no such notification abolishing the contract labour system the present reference is not maintainable and the same is liable to be rejected. The management also submitted that a preliminary point regarding the maintainability of the instant reference may be framed and the same should be decided first. However, if the said preliminary point is decided against the management the management may be allowed to file additional written statement and to decide the reference on merit. The management accordingly filed additional W.S. on two occasions on 13.12.99 and 25.9.03 stating, inter-alia that the dispute has been raised by the contractual workers Union and not by the Oil Man Management Drilling Workers Union and hence, the written statement filed by the Union can not be taken into consideration in the instant reference. The management denied the statement made in the written statement submitted by the workmen except those which are specifically admitted by them. The management contended that it is admitted by the Union that they are all contract labourers and the list of members which was once submitted to the management by the said union will also show that all these 67 contract workers are employees of M/S Deltech (I) Pvt. Ltd. which is a company registered under the Company's Act has got its separate identity. The exploration, drilling operation of oil wells are given in contract to various contractors, and if crude oil is found then the job of the contractor comes to an end. It is also mentioned that generally the contracts are made for a period of 2 years which may extend for further period of 1 year. However the management denied that the workmen involved in this reference engaged for installations of rigs and in fact the management has a contract with M/S Deltech (I) Pvt. Ltd. which was executed on 12.7.95 and the contract labourers involved in the instant case are the employees of the said Deltech (I) Pvt. Ltd. and has got no master servant relationship with the management of Oil India Ltd. The management denied the statement of the workman that they were selected by the Company; that involvement of the contract labourers are taken by the management; that

the contractor has no control to engage any contract labourer for the job assigned to them; that the contract labourer engaged by the contractor are selected by the company and that the contractor has nothing to do with the job assigned to him and that the engagement of contractor in these type of job is only to have cheap labour. The management stated that as per agreement itself the contractor must deploy tool pusher, electrical engineer, driller, Asstt. Driller, etc. for performing the assignment given to the contractors who has to inform the progress of the work assigned to him to the Engineer of the Company and the contractor is liable to pay his labourer by him at the rate of wages not less than those paid for similar works in the locality/neighbourhood subject to the stipulation under the Minimum Wages Act, Payment of Wages Act and the Mines Act. Further contention of the management is that their being no prohibitory order prohibiting the engagement of contractual labourers, the instant order of reference is illegal and is not maintainable. Accordingly a preliminary issue regarding maintainability of the reference may be framed and the same should be heard at first.

6. In view of the order dated 29.5.14 passed by the Hon'ble High Court in W.P.(C) No. 265/07 I have heard the learned Advocate for the management ex-parte since neither the Union nor their learned Advocate who was engaged earlier in the Hon'ble High Court by the Union did not turn up in spite of receiving notice as discussed above. I have also gone through the entire case record along with the documents and the evidence adduced by both the sides.

The preliminary objection raised by the management that whether the contract labourer can raised an Industrial Dispute for regularisation unless the notification u/s 10 (1) of the Contract Labour (Regulation and Abolition) Act, 1970 has been issued by the appropriate government and whether the present reference made by the appropriate Government is maintainable. The Ministry of Labour vide their order No.L-30012/22/98/IR(M) dated 8.6.99 referred the dispute in exercise of the powers conferred by Clause(d) Sub-Section(1), Sub-Section 2(A) of Section 10 of the I.D. Act, 1947, for adjudication, stating the terms of reference as follows:

"Whether the claim of the Union (contractual workers' union) for regularisation of their service in Oil India Ltd. (contract workers engaged through Oil India Registered contractors) is justified? If not, to what relief these contractual workers are entitled ?

On perusal of the pleadings as well as the evidence adduced by both the sides it is found admitted that the workmen in respect of the instant reference were contract labourers engaged through the registered contractor namely M/S Deltech (I) Pvt. Ltd. but the bone of contention of this dispute is that the Union asserted that the contract between the management and M/S Deltech (I) Pvt. Ltd. was nothing but sham contract and a mere

camouflage in order to deprive the workmen from the benefits extended to the other regular employees of the management.

7. The workmen witness No.1 Debabanda Tamuli in his evidence mentioned that he worked in S2 and S3 the Drilling operation places under Oil India where there was a Private Limited Company named M/S Deltech(I). He also said that there were altogether 67 numbers of labour under registered labour Union named Oil Man Management Drilling Workers Union in which he (W.W.1) was one of the executive member. He mentioned that they were engaged in the drilling works after holding interview by the Oil India Ltd. but their wages was paid by the Deltech(I) Pvt. Ltd. Company. They had to work for 12 hours every day and they availed rest for 15 days in a month. Their works in the drilling site was supervised by the Officer of Oil India who also issued certain instructions in discharging their duties. He added that out of total number of 12 drilling field under Oil India Ltd. in two drilling field the works were got done through the contractors and in remaining 10 numbers of Oil Field the workers of the Oil India Ltd. performed the work. The wages of the regular workers under the Oil India Ltd. was three times higher than that paid to the workmen involved in this reference but the nature of work of both the workers are same. He again mentioned that the Oil India Ltd. provide all instruments of works and they had to stay at the camp provided by the Oil India Ltd. He also stated that they has submitted many representation for abolishing the contract system and to regularize them. He has proved the approval letter in regard to the engagement of the workers in different jobs vide Exhibit-1 to Exhibit-19 (the photo copies proved under objection). He had also produced certain documents regarding instruction of works marked as Exhibit-20 to Exhibit-29 (the photo copies proved in original).

During his cross-examination the workman witness No.1 categorically admitted that Deltech(I) Pvt. Ltd. Company is a contract Company and there was 67 number of workmen including himself under the said Company. He also admitted that the documents marked as Exhibit-1 written to the Deltech(I) Pvt. Ltd. by the Oil India Ltd. in reply to Deltech (I) letter dated 14.3.97 and that Exhibit-2, Exhibit-10, Exhibit-16 and Exhibit-19 are the letters issued by the Deltech (I) Pvt. Ltd. of the Oil India Ltd. He has also proved the agreement entered into between the management of Oil India Ltd. and M/S Deltech (I) Pvt. Ltd. marked as Exhibit-A. The workman witness No.1 further admitted that at the time of their engagement no appointment letter was issued by the Deltech(I) Pvt. Ltd. nor by the Oil India Ltd. The Deltech (I) Pvt. Ltd. obtained the receipt from them at the time of paying the wages. He categorically mentioned that he did not know the name of the officer concerned who hold the interview at the time of his engagement in the Oil India Ltd. but he could not produce any document before the Court in connection with holding interview by the Management. He again

mentioned that the Deltech(I) Pvt. Ltd. got the works done through them and at the time of drilling works the engineers of Oil India Ltd. remained present at the drilling site and supervised the works as their machineries worth more than crores had been lying in the drilling site. He also admitted that in case of any mistake committed at the time of drilling works damage may cause to the drilling operation because these works are being done with sophisticated machineries. He also admitted that at the time of drilling works the Oil India Ltd. paid the money to the Deltech (I) Pvt. Ltd. according to the terms of agreement.

The management witness No.1 Mr. Malabhya Mohan Mazumder, the then Sr. Manger, IR, Oil India Ltd, Duliajan in his deposition mentioned that the workers involved in this reference are contract labourers and at the time of engagement of those workers the provision of contract labourer (Abolition and Regulation) Act, 1970 complied with and their company is registered under the said Act vide Exhibit-C. He also said that these workers worked under M/S Deltech (I) Pvt. Ltd. which entered into a contract agreement on 12.7.95 for man management contract for drilling operation vide Exhibit-A. He also added that all the terms and conditions regarding the compliance of laws, payment of wages, etc. of the contractor are mentioned in Exhibit-A and after submission of the license by the contractor, the contractor was allowed to work vide Exhibit-E.

During his cross-examination the management witness No.1 said that the present reference was made regarding job contract of drilling job and the said contract was given to the Deltech(I) Pvt. Ltd. Company. He also mentioned that the drilling site i.e. rigs were given by them and machineries were also supplied by them; and they also supervise the work after engagement of the labourer by the contractor so that the contractor engage experienced labourers. There is every chance of causing huge damage and occurrence of accident in case of engagement of inexperienced labourers for which they examined the bio data of the labourers. He categorically denied that the drilling operation is done by them and they supervised all the works of the labourers engaged in drilling operation. He also said that the drilling operation is being done in their company by their own workers and he categorically denied that they do not engage any contract labour in drilling works.

8. The evidence of both the sides as discussed above shows that it is well settled that the workmen were engaged by the contractor namely Deltech(I) Pvt. Ltd. and the wages were also paid to the workmen by the said contractor, although the works done by the workers in the rigs/oil fields under the supervision of the officer of the management. The management witness No.1 in course of his cross-examination mentioned that they supplied all the machineries of works in the drilling operation to the contract labourers and at the time of engagement of

contract labourers they ensure that the experienced labourers are engaged since non-engagement of experienced labourer might cause a huge damage to the company as well as occurrence of accident for which they scrutiny the bio-data of the labourer at the time of their engagement. He also mentioned that the drilling In-charge of the drilling site supervises the work of the contractor. The workman witness No.1 also admitted that the document marked as Exhibit-1 written to the Deltech(I) Pvt. Ltd. by the Oil India Ltd. in reply to Deltech (I) letter dated 14.3.97. The Union also admitted that before the engagement of the labourers involved in this reference an agreement was executed between the contractor and the management of Oil India Ltd. vide Exhibit-A. The Union in their W.S. mentioned that it is a fit case where the engagement of contract labourer is prohibited as the concerned workmen were engaged in perennial nature of job. Hence, the contract between the contractor and the Oil India is an illusory contract. From the schedule of reference it is found that the workmen concerned are contract labourers and as such, their service condition is covered by the Contract Labour (Regulation and Abolition) Act, 1970 and the rules framed there under but there is nothing to show on record that any notification u/s 10 (1) of Contract Labour (Regulation and Abolition) Act, 1970 issued by the appropriate Government prohibiting the management from engaging contract labourers. Thus it is clear that the workmen involved in this reference are not the direct appointee of the management but they are engaged by the contractor and hence, they are not the workmen within the meaning of Section 2(s) of the I.D. Act.

The Contract Labour as defined in Section 2(i) of Contract Labour (Regulation and Abolition) Act, 1970 as follows :

" (i) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or un-skilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person-

(A) who is employed mainly in a managerial or administrative capacity; or

(B) who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature;

(C) who is an out-worker, that is to say, a person to whom any articles or materials are given out by or on behalf of the principal employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of the principal employer and the process is to be carried out either in the home of the out-

worker or in some other premises, not being premises under the control and management of the principal employer."

The Ministry of Labour referred this dispute under Clause (d) of sub-section-1 and sub-section-2(A) of Section 10 of I.D. Act for adjudication. But the Union is found to have failed to establish that the workers involved in this reference had been working the job of perennial nature under the direct supervision and employment of the management and as such, they failed to establish the relationship between the workmen and the employer as defined in the I.D. Act, 1947.

During argument Mr. S.N.Sarma, learned Advocate for the management submitted that since there is no relationship of employer and employees between the Oil India Ltd. and the concerned labourers in the instant reference and the cause of contract not espoused by the direct employer of the principal employer and hence, the reference is not maintainable. In this connection Mr. Sarma relied upon the ratio of the Indian Oil Corporation Ltd.-vrs- Presiding Officer and Ors., published in 1998 (2) GLT 67 wherein it was observed "that the purpose of reference was to ascertain from the tribunal whether the action of the Oil Corporation in not regularizing the services of 17 contractual workers is justified; the terms of reference itself shows that relationship of employer and employees does not exist between the Indian Oil Corporation and the contractual labourers; the materials placed on record also show that the cause of the contractual labourers has been espoused by Mineral Workers Union, Digboi and not by the direct employees of the principal employer; as such, in the absence of a relationship of employers and employees, the dispute can not be brought within the fold of definition of "Industrial Dispute" as defined in Section-2(k) of the Industrial Dispute Act."

In Gujrat Electricity Board, Thermal Power Station, Ukai, Gujrat-vrs--- Hind Mazdoor Sabha and Ors, reported in (1995) 5 Supreme Court Cases 27, wherein it was held as under:

" After the coming into operation of the Contract Labour (Regulation and Abolition) Act, the authority to abolish the contract labour is vested exclusively in the appropriate Government which has to take its decision in the matter in accordance with the provision of Section 10 of the Act. No Court including the industrial adjudicator has jurisdiction to do so. However, the authority to abolish the contract labour under Section 10 of the Act comes into play only where there exists a genuine contract. In other words, if there is no genuine contract and the so-called contract is a sham or a camouflage to hide the reality, the said provisions are inapplicable. When, in such circumstances, the workmen concerned raise an industrial dispute for relief that they should be deemed to be the employees of the principal employer, the court

or the industrial adjudicator will have jurisdiction to entertain the dispute and grant the necessary relief."

Mr. Sarma relied upon the case of Steel Authority of India Ltd. and Others -vrs-National Union Waterfront Workers and Ors. published in (2001) 7 SCC wherein Hon'ble Supreme Court in para-125 (5) & (6) observed:

"(5) On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para 6 hereunder.

(6) If the contract is found to be genuine and prohibition notification under Section 10(1) of the CLRA Act in respect of the establishment concerned has been issued by the appropriate Government, prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process, operation or other work of the establishment the principal employer intends to employ regular workmen, he shall give preference to the erstwhile contract labour, if otherwise found suitable and, if necessary, by relaxing the condition as to maximum age appropriately, taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualification other than technical qualifications."

Mr. Sarma, learned Advocate for the management submitted that in his evidence the workman witness No.1 admitted that they were engaged by the Deltech(I) Pvt. Ltd. which is a contractor and their salary was paid by the contractor, no appointment letter was issued by the management. Further there is no record to show that the management hold any interview before engaging the concerned workmen. The W.W.1 also mentioned that the machineries were supplied to them by the management and the Engineers of management supervise their works in the field. As such, mere supervision by the management through their officers will not amount to the direct supervision and control as well as any employment of the principal employer as such, the claim of the workmen that the contract between the management and the contractor is not a sham contract and camouflage to deprive the workmen from getting their benefits of

regularisation. In this connection Mr. Sarma has drawn my attention to the ratio of the case International Airport Authority of India -vrs- International Air Cargo Workers' Union and Another reported in (2009) 13 SCC 374 wherein it was decided that "Whether Labour contract was genuine or sham, such a dispute is maintainable before the Industrial adjudicator, even if there is no notification for abolition of contract labour under Section 10(1) of Contract Labour (Regulation and Abolition) Act the Industrial adjudicator can declare that so called contract labour are in fact direct employees of the principal employer and contract is only a camouflage to deny employment benefits to employees; if however contract is genuine and there is also no notification abolishing contract labour under Section 10(1) of the Act principal employer can not be directed to absorb contract labour." It is also held "whether direction and control is with principal employer or with contractor, has to be determined with reference to factors like, who pays salary, who has power to initiate disciplinary action, to remove/dismiss employee from service, who can tell employee the way work should be done, etc; however where contract is merely to supply labour only, contract labour is bound to work under supervision of principal employer; and in such a situation, primary control still vests with contractor and not with principal employer".

9. From the above discussion and the submission of the learned Advocate for the management it is found that the workmen concerned are contract labourer engaged by the contractor M/S Deltech (I) Pvt. Ltd. and there was a genuine contract between the contractor namely M/S Deltech (I) Pvt. Ltd. and the principal employer for supplying the labour for the purpose of drilling operation of the management company, and as such, there is no employer employee relationship between the principal employer and the workmen. Section 2(k) of Industrial Dispute define the Industrial Dispute as under:

"(k) "industrial dispute" mean any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"

But in the instant case the union has failed to establish there exists a relationship of employer and employees between principal employer and the workmen respectively. As such, the instant dispute does not come within the purview of Section 2(k) of the I.D.Act.

10. In view of my foregoing discussion and the findings and having regard to the ratio of the cases mentioned above it is found well established that the dispute raised by the workmen being contract labourers is not maintainable in its present form and the reference made by the appropriate government is not within the ambit of Clause (d) of sub-section 1 and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947. Accordingly

it can safely be held that the present reference is not maintainable and hence, the preliminary issue is answered in negative.

Given under my hand and seal of this Court on this 19th day of November, 2014 at Guwahati.

Send the Award to the Ministry as per procedure.

L. C. DEY, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3149.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इन्शुरेन्स कॉरपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, धनबाद के पंचाट (संदर्भ संख्या 21/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-17011/8/2012-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2013) of the Central Government Industrial Tribunal/Labour Court No.2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-17011/8/2012-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

SHRI KISHORI RAM
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act., 1947.

REFERENCE NO. 21 OF 2013

PARTIES : Gen.Secy.
National Life Insurance Employees
Assoc. (INTUC) PO; MIT, Muzaffarpur
Vs. Sr. Divisional Manager,
Life Insurance Corp. of India, Jeeven
Deep Building, Exhibition Rd., Patna.

Ministry's Order No. L-17011/8/2012-
IR(M) dt.11.1.2013

APPEARANCES :

On behalf of the None
workman/Union :

On behalf of the Mr. M.A.Khan
Management : Ld. Advocate

State : Bihar Industry : Insurance

Dated, Dhanbad, the 16th October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-17011/ 8/2012-IR (M) dt.11.1.2013.

SCHEDULE

"Whether the action of the management of Life Insurance Corporation while conducting disciplinary action proceedings the principle of natural justice has not be applied by the Management of LIC? If yes, what relief the workman is entitled for?"

2. Neither the Representative for the Union concerned nor the workman concerned appeared but Mr. M. A. Khan, Ld. Advocate for the O.P./Management appeared and filed a Certified Copy of the Order dt. 22.7.14 passed by the Hon'ble High Court, Patna, in CWJC No. 6307/2013, the L.I.C. Vs. Union of India through the Principal Secretary and 4 others, submitting that the Hon'ble High Court of Judicature at Patna having heard both the parties have been pleased to quash the order of Reference made by the Government of India, Ministry of Labour.

On perusal of the case record, I find the reference made by the Order dt.11.1.2013 of the Government of India, Ministry of Labour, New Delhi under the signature of the Under Secretary concerned related to the issue of not following the principle of natural justice by the LIC of India in the disciplinary action proceedings has been quashed and set aside by the Hon'ble Court. So there is no longer an Industrial Dispute before the Tribunal; accordingly an Order of 'No Dispute' is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3150.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चंदा सीमेंट कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 37/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/102/2001-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/2002) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chanda Cement Company Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/102/2001-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/37/2002

Date: 13.10.2014.

Party No. 1 : Chanda Cement Co. Ltd.,
The Vice President,
Post-Cementnagar,
Distt. Chandrapur (M.S.)

Versus

Party No. 2 : Shri Dashrath Champat Sidam,
At- Sindola
Tah- Wani,
Distt. Chandrapur (M.S.)

AWARD

(Dated: 13th October, 2014)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Chanda Cement Co. Ltd., Chandrapur and their workman, Shri Dashrath C. Sidam, for adjudication, as per letter No.L-29012/102/2001-IR (M) dated 19.04.2002, with the following schedule:-

"Whether the action of the management in relation to Sindola Stone Mine of Chanda Cement Works of ACC Ltd., Post-Cementnagar. Dt. Chandrapur in dismissing Shri Dashrath C. Sidam, Mazdoor, Sindola Limestone Mine, ACC Chanda Cement Co. Ltd., vide order No. CL/62-HRD/1101 dated 01.04.1998 is legal and justified? If not, what is the relief to which is the workman is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written

statement, in response to which, the workman, Shri Dashrath Champat Sidam, ("the workman" in short) filed the statement of claim and the management of ACC Ltd., Chanda Cement Works, ("party no.1" in short) filed the written statement.

The case of the workman as presented in the statement of claim is that he was employed as a mazdoor w.e.f.13.03.1985 in Sindola Limestone Mines at Sindola, in the basic pay of Rs.1039.94 alongwith other allowances by party No.1 and he was a "workman", as per the definition of Section 2(s) of the Act and party No.1 is an "industry" as per Section 2(j) of the Act and party No.1 illegally terminated his services w.e.f. 01.04.1998, on false and fabricated grounds of unauthorized absenteeism and he was suffering from acute Bronchitis and was under medical treatment of various doctors and he had produced the medical certificates for the period of absenteeism and on 05.03.1997, he received a show cause notice from party No.1 for the alleged unauthorized absenteeism and on 09.03.1997, he produced the medical certificate in support of his illness for the period from 17.02.1997 to 09.03.1997, but inspite of production of the medical certificate in support of his illness, party No.1 issued an illegal charge sheet on 16.08.1997, asking him to submit his reply within 72 hours, from the date of receipt of the said charge sheet, but due to his serious illness, he sent a telegram to party No.1 on 20.08.1997 about the same, but he was shocked to receive another letter from party No.1 dated 30.08.1997, in which, it was informed that an enquiry has been proposed against him and that he should present himself on 11.09.1997 and that Dr. D.D. Sharma, the Manager Health Services, Sindola Mines has been appointed as the Enquiry Officer and due to his illness, he could not present himself on 11.09.1997 in the enquiry and due to illiteracy of his family members, they could not understand the meaning of the said letter, which was in English and after his recovery from illness, he obtained the fitness certificate and went to join duty on 09.09.1997, but he was not allowed to join duty and on the contrary, the Inquiry Officer advised him to see Dr. Wasalkar at Chandrapur and requested Dr. Wasalkar to admit him in the hospital at least for 10 to 15 days and accordingly, he was admitted in the hospital and on 28.02.1998, Dr. D.D. Sharma passed a remark that he is fit for joining duty from 01.03.1998 and thereafter, he joined duty and subsequently, he was informed that the charges labeled against him stood proved and that he was dismissed from services forthwith and the entire inquiry was an eye wash and the inquiry was not conducted in a free and fair manner and the same was conducted in his absence, due to his admission in the hospital of Dr. Wasalkar on 09.09.1997 at Chandrapur, as per the advice of the Inquiry Officer and the order of his dismissal is illegal.

The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party No.1 in the written statement, denying all the adverse allegations made in the statement of claim, has pleaded inter-alia that the workman worked as a mazdoor from 13.03.1985 in Sindola Limestone Mines and on 05.03.1997, a show-cause notice was sent to the workman alleging unauthorized absenteeism and the workman submitted a medical certificate issued by Dr. Nandakishore Tugnayat of Maregaon, in support of his illness for the period from 17.02.1997 to 09.03.1997 and the said medical certificate was accepted and the workman was marked sick for the said period, in order to afford opportunity to the workman to improve and be regular in time while attending duties and no further proceedings were held on the show-cause notice dated 05.03.1997 and the action of dismissal was not in pursuance to the said show-cause notice.

It is further pleaded by the party No.1 that the charge sheet issued against the workman dated 16.08.1997 was legal and the workman did not submit any explanation to the said charge sheet and accordingly, notice of enquiry to the workman was issued vide letter dated 30.08.1997 and the enquiry commenced on 11.09.1997 at 3 P.M., but the workman remained absent, so proceedings were recorded accordingly and the enquiry was scheduled on 18.09.1997 and intimation of the same was sent to the workman well in time, but on the said date also, the workman remained absent and on 16.09.1997, it had received a letter dated 10.09.1997, sent by the workman intimating his inability to attend the departmental enquiry on 11.09.1997, due to his sickness, but the said letter was not accompanied with any certificate about his sickness and subsequently on 14.10.1997, the workman submitted a sick certificate, which was accepted due to the assurance given by the union and the workman.

The further case of the party No.1 is that charge sheet-cum-notice of enquiry dated 13.02.1998 was given for absenteeism and the workman did not submit any reply to the charge sheet and as such, departmental enquiry was conducted and the workman admitted the charges in the enquiry and in view of the same, there was nothing left for the Enquiry Officer to make further inquiry in to the charges and accordingly, the Inquiry Officer submitted his report and thereafter, a show-cause notice was given to the workman and the service record of the workman was examined and it was found that in a number of occasions for absenteeism, extremely lenient view had been taken by it and in an attempt for the improvement of the workman, he was given warnings and lesser punishments and it was also found that the workman was irresponsible and reckless in attendance of his duty and considering the relevant entries in the past service records of the workman and considering the aggravating extenuating circumstances, the competent Authority decided to dismiss the workman and therefore, it cannot be said that there was any illegality in the dismissal of the workman from service and the enquiry held against the workman is fair and proper and there is inordinate

delay in raising the dispute by the workman and therefore, the reference is liable to be answered in the negative and the workman is not entitled to any relief.

4. In the rejoinder, the workman has reiterated the facts already mentioned in the statement of claim.

5. As this is a case of dismissal of the workman from services, as a punishment in the departmental inquiry conducted against him, the fairness or otherwise of the departmental enquiry was taken up for consideration as a preliminary issue and by order dated 20.08.2014, the departmental enquiry conducted against the workman was held to be legal, proper and in accordance with the principles of natural justice.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman was illegally terminated from service by the party no.1 w.e.f. 01.04.1998, on false and fabricated grounds of unauthorized absenteeism and during the period of absenteeism in question, the workman was suffering from acute bronchitis and was under medical treatment and the workman had produced the medical certificates in support of his illness and treatment during the period of absenteeism and in spite of the same, party No.1 illegally issued the charge sheet and conducted the inquiry and party no.1 appointed Dr. D.D.Sharma, the Manager Health Services, Sindola Mines as the Enquiry Officer to conduct the enquiry against him and Dr. D.D.Sharma had himself advised the workman to consult Dr. Wasalkar at Chandrapur and Dr. Sharma had also requested Dr. Wasalkar to admit the workman in his hospital for at least 10 to 15 days and accordingly, the workman consulted Dr. Wasalkar and was admitted in his hospital and on 28.02.1998, the Enquiry Officer, Dr. D.D. Sharma had passed a remark on the medical certificate produced by the workman before him, stating that the workman was fit to join duty and in spite of knowing about his illness and treatment, Dr. Sharma as the Enquiry Officer held the charges levelled against the workman to have been proved and such findings of the Enquiry Officer are against the evidence on record and the findings are based on no evidence and are totally perverse and the entire enquiry was an eye wash and the punishment of dismissal imposed against the workman is shockingly disproportionate to the charges levelled against him and as such, the same is liable to be quashed and set aside and the workman is entitled for reinstatement in service with continuity and full back wages.

7. Per contra, it was submitted by the learned advocate for the party No.1 that the fairness of the enquiry was considered by this tribunal as a preliminary issue and by order dated 20.08.2014, the departmental enquiry conducted against the workman was held to be legal, proper and in accordance with the principles of natural justice and the departmental enquiry against the workman was held in respect of the charges of frequent absence without leave and for absence without leave for three

consecutive days and the workman appeared in the departmental enquiry and admitted the misconduct of absenteeism and in view of the admission of the charges by the workman, nothing was left for the Enquiry Officer to make further inquiry into the charges and basing on the admission of the workman, the Enquiry Officer submitted his report and the findings of the Enquiry Officer are not perverse and the workman was issued with the second show cause notice and the past service record of the workman was examined and as it was found that on number of occasions, for absenteeism extremely lenient view was taken and that the workman was irresponsible and reckless in attendance of his duty and as such, punishment of dismissal from service was imposed against him and there is no illegality in dismissal of the workman from service and the punishment cannot be said to be shockingly disproportionate to the grave misconduct proved against him and the workman is not entitled to any relief.

8. Perused the record and considered the submissions made by the learned advocates for the parties.

In view of the submissions made by the learned advocates for the parties, I think it apropos to mention the principles settled by the Hon'ble Apex Court in a number of decisions in regard to the power of the Tribunal to interfere with punishment awarded by the competent authority in departmental proceedings.

In a number of decisions, the Hon'ble Apex Court have held that:-

"The jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the Inquiry Officer or competent authority where they are not arbitrary or utterly perverse. The power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority. The adequacy of penalty unless it is malafide is certainly not a matter of the Tribunal to concern itself with. The Tribunal also cannot interfere with the penalty if the conclusion of the Inquiry Officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter.

The Tribunal also cannot interfere with the penalty if the conclusion of the enquiry officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter."

It is also settled by the Hon'ble Apex Court that:-

"A review of the above legal position would establish that the disciplinary authority and on appeal, the appellate authority, being fact finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

The case in hand is now to be considered with the touch stone of the settled principles as mentioned above.

9. On perusal of the record, it is found that charges under clauses 19 (xiv) and 19 (lv) of the Certified Standing Orders of party no.1 were levelled against the workman as per the charge sheet dated 13.02.1998, Ext. M-V.

"Clauses 19 (Xiv) and 19 (lv) of the Certified Standing Orders reads as follows:-

(Xiv) - Frequent absence without leave or absence without leave or 3 consecutive days or more without explanation to the satisfaction of the management.

(lv) - Habitual or frequent breach of any Standing Order or any Rules or Regulations for time being in force or any law applicable to the establishment or any rule made there under.

On perusal of the material on record, it is found that before submission of the charge sheet, Ext. M-V, the workman was issued with a show cause notice dated 06.01.1998 as per Ext. M-I and the said notice was sent to him by registered post with acknowledgement due and the workman submitted his reply to the said show cause notice on 16.01.1998 as per Ext. M-IV. The copy of the reply dated 16.01.1998, submitted by the workman has been admitted into evidence and marked as an Exhibit on admission by the workman. However, the workman did not submit any reply to the charge sheet.

It is also found from record that the workman attended the departmental enquiry on 02.03.1998 and admitted the charges levelled against him before the Enquiry Officer. It is well settled that in a case, where a delinquent admits the guilt, no further detailed enquiry is necessary. Even so, the Enquiry Officer received the medical certificate, Ext. M-IX produced by the workman. It is found further from the record of the departmental enquiry that the workman after producing the medical certificate disclosed before the Enquiry Officer that he was suffering from

Typhoid (and not acute Bronchitis as claimed in by the workman at present) and was admitted into the hospital during the period of illness. The workman did not produce any document regarding his admission in the hospital, discharge certificate, prescriptions and medicine bills in support of his claim. When the Enquiry Officer asked about such documents, the workman told that the said documents were in the hospital and he did not bring the same from the hospital and for that unable to produce the same. In view of the admission of the charges by the workman, the Enquiry Officer closed the enquiry on 02.03.1998 and submitted his report to the disciplinary authority on 06.03.1998.

It is also found from record that the workman was served with the second show cause notice with the copy of the enquiry report. In the second show cause notice, the details of the previous absence of the workman and punishment imposed were mentioned. After taking into consideration all the facts and circumstances of the case, the disciplinary authority imposed the punishment of dismissal of the workman.

10. According to the learned advocate for the workman, he was ill during the period in question and in spite of production of the medical certificate before the Enquiry Officer, the Enquiry Officer held the charges to have been proved against him and such findings are perverse. However, the materials on record show that there is no force in the contention raised by the learned advocate for the workman.

It is to be mentioned here that neither in the statement of claim nor in the rejoinder, any specific pleadings has been made by the workman regarding the reason of his absence for the period from 27.12.1997 to 13.02.1998 i.e. the date of submission of the charge sheet. In his evidence also, the workman has not mentioned anything about the same. In the show cause, though it is claimed by the workman that during the period in question, he was ill and hospitalized, no document has been produced by him regarding his hospitalization. The medical certificate, Ext. M-IX produced by the workman appears to have been granted by Dr. N.D. Gedam of P.H.C. Rajur, but not by Dr. Wasalkar as claimed by him in the statement of claim. The said medical certificate shows that the workman was under the treatment of Dr. N.D. Gedam from 01.08.1998 till 21.02.1998. There is no explanation from the side of the workman regarding his absence from 27.12.1997 to 31.12.1997.

Ext. M-IV, the reply filed by the workman to the show cause notice fully demolishes the case of the workman.

In Ext. M-IX, it has been mentioned that his wife, who had gone to her brother's house at Rajur Lime Factory suddenly fell ill there and as soon as he received a message on 01.01.1998, he left for Rajur, handing over a leave application to one Ramesh Tekam with a direction to hand over the same to T.C. Jogi for handing over the

same in the office for sanction of leave from 01.01.1998 to 08.01.1998. Ext. M-IX was sent by the workman on 16.01.1998 by registered post with acknowledgement due. Not a single word has been mentioned in Ext. M-IX by the workman about his illness and treatment from 01.01.1998 to 16.01.1998 i.e. the date of sending the reply. It is also found that the show cause notice dated 06.01.1998 was sent to the workman in his residential address at Sindola. The workman in Ext. M-IX has mentioned that the show cause notice was received by him on 14.01.1998. The said fact shows that the workman was at Sindola on 14.01.1998 and he was not at Rajur. Admittedly, on Ext. M-IV, Dr. D.D. Sharma had endorsed that "Fit" for 01.03.1998. However, such endorsement by Dr. D.D. Sharma on Ext. M-IX does not prove that the workman was ill from 01.01.1998 to 21.02.1998. The materials on record cast doubt regarding the genuineness of the medical certificate Ext. M-IX produced by the workman. In view of the admission of the workman of the charges levelled against him and due to non-production of any other connected documents by the workman regarding his illness and treatment, the enquiry officer was right in not placing any reliance on Ext. M-IX and holding the charges to have been proved against the workman basing on his admission. Hence, the findings of the enquiry officer cannot be said to be perverse.

11. So far the proportionality of the punishment is concerned, it is found that serious misconduct of habitual absenteeism from duty has been duly proved against the workman in a properly conducted departmental enquiry. The documents produced by party no.1 show that the disciplinary authority had considered the past service records of the workman and being satisfied about that the workman was a habitual absentee, imposed the punishment of dismissal from service against the workman. Hence, the punishment cannot be said to be shockingly disproportionate, calling for any interference. Hence, it is ordered:-

ORDER

The action of the management in relation to Sindola Stone Mine of Chanda Cement Works of ACC Ltd., Post-Cementnagar. Dt. Chandrapur in dismissing Shri Dashrath C. Sidam, Mazdoor, Sindola Limestone Mine, ACC Chanda Cement Co. Ltd., vide order No. CL/62-HRD/1101 dated 01.04.1998 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3151.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जी. सी. मोहन्ता कांटेक्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट

(संदर्भ संख्या 43/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/22/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shri G.C.Mohanta Contractor and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/22/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 43/2013

L-29012/22/2013-IR(M), dated 14.06.2013

Date of Passing Award - 18th September, 2014

Between:

Shri G.C. Mohanta, Loading/
Unloading Contractor,
At. Sukinda Chromite Mines, TISCO,
Po. Kalarangiatta, Dist. Jajpur,
Pin - 755 028, Odisha.

...1st Party-Management.

(And)

Their workman Shri Bipin Bihari Mallick,
S/o. Shri Damodar Mallick,
At./Po. Ampoloba, P.S. - Sukinda,
Dist. Jajpur - 755 028 Odisha.

...2nd Party-Workman.

Appearances:

None ... For the 1st Party-
Management.

None ... For the 2nd Party-
Workman.

AWARD

Case called out. Both the parties are absent. The 2nd Party-workman despite sending four notices on dated 29.8.2013, 12.12.2013 and 31.7.2014 by ordinary post and the other dated 20.11.2013 by regd. post has not filed any statement of claim. Ten dates have been fixed from the date of receipt of the reference on 29.8.2013. It seems that the 2nd Party-workman is either not interested in prosecuting his case or has settled the case amicably with the 1st Party-Management out of the court. Hence there is no use to keep the case pending indefinitely.

2. Under the above circumstances, a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3152.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जी. सी. मोहन्ता कंटेक्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेस्वर के पंचाट (संदर्भ संख्या 46/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/21/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shri G.C.Mohanta Contractor and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/21/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT BHUBANESWAR

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 46/2013

L-29012/21/2013-IR(M), dated 18.06.2013

Date of Passing Award - 20th October, 2014

New Delhi, the 3rd December, 2014

Between:

Shri G.C. Mohanta, Loading/
Unloading Contractor,
At. Sukinda Chromite Mines, TISCO,
Po. Kalarangiatta, Dist. Jajpur,
Pin - 755 028, Odisha.

... 1st Party-Management.

(And)

Their workman Shri Deepak Kumar Mallick,
S/o. Shri Gadadhar Mallick,
At./Po. Ampoloba, P.S. - Sukinda,
Dist. Jajpur - 755 028 Odisha.

... 2nd Party-Workman.

Appearances:

None ... For the 1st Party-Management.

None ... For the 2nd Party-Workman.

AWARD

Case called out. Both the parties are absent. The 2nd Party-workman despite sending two notices on dated 29.7.2013 by ordinary post and the other dated 19.09.2014 by regd. post has not filed any statement of claim. The 2nd Party-workman only appeared on 11.9.2013 and moved a petition for one month's time to file statement of claim and his prayer was allowed, but till date he has not filed his statement of claim. Ten dates have been fixed from the date of receipt of the reference on 28.6.2013. It seems that the 2nd Party-workman is either not interested in prosecuting his case or has settled the case amicably with the 1st Party-Management out of the court. Hence there is no use to keep the case pending indefinitely.

2. Under the above circumstances, a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3153.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मोहंती एसोसिएट/डुंगरी लाइमस्टोन कुआरी ऑफ बी.सी.डब्ल्यू. ऑफ ए.सी. सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 72/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29011/16/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

S.O. 3153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/2012) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Mohanty Associates/Dungri Limestone Quarry of BCW of ACC Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29011/16/2012-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 72/2012

L-29011/16/2012 -IR(M), dated 18.07.2012

Date of Passing Award - 10th of November, 2014

Between:

1. M/s. Mohanty Associates,
Transport Contractor,
Dungri Lime Stone Quarry of BCW of
ACC Ltd.,
At/PO-Dungri, Dist-Bargarh, Odisha
2. The Director (plant),
Dungri Limestone Quarry of BCW of
ACC Ltd.,
At/PO-Dungri, Dist-Bargarh, Odisha

... 1st Party-Managements.

(And)

Their workman represented through
The President,
Dungri Mines Labour Union,
At/PO-Dungri, Dist-Bargarh, Odisha.

... 2nd Party-Union.

Appearances:

- | | |
|--------------------|--|
| 1. M. M. Rout | ... For the 1st Party-
Management No. 1 |
| 2. S. K. Rout | ... For the 1st Party-
Management No. 2 |
| 3. K. C. Devsharma | ... For the 2nd Party-
Union. |

AWARD

After receipt of the order of reference from the Ministry the case was registered and necessary judicial proceedings were carried out in accordance with law. The 2nd party union has filed his Statement of Claim. The 1st party Management No. 1 and 2 have filed their written statements.

2. In the mean time the contract of the 1st party management No. 1 expired with the 1st party management No. 2. Therefore, to avoid any future problem the parties to the dispute negotiated among themselves out of the court and as per the outcome of the negotiation the workmen concerned under the dispute were paid the negotiated amount of money towards the full and final settlement of their claim satisfactorily as submitted by the President of the 2nd party union along with certain workmen.

3. Accordingly, the 2nd party union has moved a memo to withdraw the dispute raised by them as they have settled the dispute out of the court in consideration of money. The authorized representative appeared on behalf of the 1st party management No. 1 (M/s. Mohanty Associates) has expressed his concurrence by appending his signature on the memo filed by the 2nd party union. The authorized representative appearing on behalf of the 1st Party Management No. 2 (ACC Ltd.) has raised no objection to the memo.

4. Therefore it appears that since the matter is already resolved among the parties to the dispute and since the 2nd party union has stated that they have no further claim in this dispute against the 1st party managements, there is no necessity of further adjudication of the dispute.

5. Under the above circumstances this Tribunal is of the view that a no-dispute award is to be passed in the case. Accordingly, a no-dispute award is passed.

6. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3154.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एस.ई. इंटरप्राइजेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेस्वर के पंचाट (संदर्भ संख्या 31/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-26012/2/2014-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2014) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S.E. Enterprises and their workman, which was received by the Central Government on 21/11/2014.

[No. L-26012/2/2014-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BHUBANESWAR**

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 31/2014

Date of Passing Award - 27th August, 2014

Between:

M/s. S.E. Enterprises,
Raising Contractor, Balda Block Iron Mines,
Po. Balda, Via. Joda, Dist. Keonjhar.

... 1st Party-Management.

(And)

Shri Yudhisthira Patra,
At. Kalimati, Po. Sijoda, Via. Joda,
Dist. Keonjhar.

... 2nd Party-Workman.

Appearances:

Shri Bijay Kumar Giri. ... For the 1st
Authorized Party-
Representative. Management.

Shri Yudhisthira Patra. ... For himself, the
2nd Party-
Workman.

AWARD

Case taken up today. Authorized representative for the 1st Party-Management and the 2nd party-workman in person are present.

2. The parties present have entered into a settlement regarding the present dispute and a Memorandum of

Settlement in Form-H has already been filed on record, which has been verified today by the parties present.

3. The 2nd Party-workman states that he has now no grievance regarding the dispute with the Management as he has settled the dispute with the 1st Party-Management and received the amount agreed upon. A receipt of payment has also been filed. Therefore no dispute remains to be adjudicated upon.

4. Accordingly the reference is decided in terms of the Memorandum of Settlement which shall form part of the Award.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3155.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इन्शुरेन्स कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, मुंबई के पंचाट (संदर्भ संख्या 35/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-17011/11/2008-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2009) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 21/11/2014.

[No. L-17011/11/2008-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

K.B. KATAKE, Presiding Officer

REFERENCE NO.CGIT-2/35 of 2009

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF**

LIFE INSURANCE CORPORATION OF INDIA

The Sr. Divisional Manager
LIC of India, Mumbai Division-I
Yogashema
Jeevan Beema Marg
Mumbai 400 021.

AND

THEIR WORKMEN.

The General Secretary
Rashtriya Bima Karmachari Union
98/1, Belgrami Road
Kurla (W)
Mumbai 400 070.

APPEARANCES:

FOR THE : Mr. H. K. Bhalerao,
EMPLOYER Advocate.

FOR THE : Ms. Kunda Samant,
WORKMEN Advocate.

Mumbai, dated the 5th September, 2014.

AWARD PART-I

The Government of India, Ministry of Labour & Employment by its Order No.L-17011 / 11 /2008-IR (M), dated 23.03.2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of LIC of India, MDO-I, Mumbai by reducing the basic pay by five stages permanently in time scale in respect of Shri B.R.Pai is justified? What relief the workman Shri B.R. Pai is entitled to?"

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, second party union has filed its statement of claim at Ex-3. According to the union, its member Shri Baba Ramchandra Pai was appointed as Typist in 1974. He served for more than 33 years and he is working as H.G.A. and was getting successive promotions throughout. His service was unblemished. One Shri Ajay Vaish a policy holder bearing no.73662727 has deposited a cheque of Rs. 3911/- by way of yearly instalment of his policy. The said cheque was adjusted against the policy of the workman bearing no.900196220 for his instalment of March 2001. Another cheque deposited by Mr. Ajay Vaish through his agent Mr. Mayur Kapadia of Rs. 4280/- for his policy. Instead of his policy it is alleged that the said cheque was adjusted against the LIC policy of wife of the workman. It is alleged that the workman has also claimed income tax deductions of the said amount for the respective years. Therefore the officials of the first party alleged that, the policy numbers written at the rear side of the cheques were forged and changed by the workman.

Therefore the workman was charge-sheeted for the alleged fraud and forgery.

3. The first party appointed Inquiry Officer and Presenting Officer. The I.O. was bias. Mr. Vaish has deposited the two cheques against his policy through his agent Mr. Mayur Kapadia. They are relevant witnesses, however they were not examined in the inquiry proceeding. They were not made available for cross examination. No opportunity was given to the workman to defend himself. The principles of natural justice were not followed in the inquiry proceeding. The Inquiry Officer held the workman guilty. The findings of the Inquiry officer are perverse. On the basis of inquiry report, the disciplinary authority has imposed punishment of reduction in basic pay of the workman by five stages permanently. The disciplinary authority ignored the representation of the workman submitted to them. The appeal of the workman was also dismissed. Therefore the union has raised industrial dispute before the ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The union therefore prays that the punishment be set aside and first party be directed to restore the basic pay with retrospective effect and consequential benefits and also prays for direction to pay arrears of the deducted amount with interest @ 18 % p. a. and also prays for order to pay compensation to the workman with heavy cost of the proceeding.

4. The first party management resisted the statement of claim vide their written statement at Ex-6. According to them workman Shri Pai was working as H.G.A. in Branch 901 under Mumbai Division. His LIC policy was bearing no.900196620. The premium of Rs.3911/- was due and payable for the month March, 2001. A customer, Mr. Ajay Vaish had to pay his insurance premium of his policy no.73662727. Thus he had drawn a cheque bearing no.365593 dated 14/03/2001 on Punjab National Bank, Juhu Scheme, Vile Parle (W), Mumbai and sent the same to LIC branch No. 901, through his agent Shri. Mayur Kapadia. The policy no. was written on the reverse side of the cheque. However the number was changed from 73662727 to 900196620 which is pertaining to workman Mr. Pai. Workman Mr. Pai also claimed income tax rebate on the said fraudulent payments of renewal premium in the financial year 2000-2001. Similarly another cheque of Shri Vaish for an amount of Rs. 4168/- for premium due on August 1997 was found to have been adjusted towards the premium of policy no.900189392 which is the policy of Smt. Sunanda Pai, wife of the workman. The said cheque was deposited by Shri Ajay Vaish for his policy no.73662727 and the said number was written at the rear side of the cheque which was forged and changed to 900189392. The workman had forged the policy numbers on both the cheques and ultimately both these cheques were credited in the account of workman and his wife respectively. Therefore workman was charge-sheeted for the alleged misconduct. Inquiry Officer was appointed.

He conducted the inquiry. Full opportunity was given to the workman to defend himself. He cross examined the witnesses of management. He was also given an opportunity to lead his own evidence.

5. After hearing both the parties, the Inquiry Officer held the workman guilty for the charges levelled against him. The inquiry was conducted after giving sufficient and fair opportunity to the workman to defend himself. He was also allowed to appoint defence representative. The inquiry was conducted in accordance with the principles of natural justice. As workman was held guilty for serious charges, the management instead of dismissing the workman from services took lenient view and reduced his pay by five stages permanently. The inquiry was fair and proper. Findings of the Inquiry Officer are not perverse. Therefore the first party prays that the reference deserves to be dismissed.

6. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the inquiry conducted by the management of L.I.C. of India MDO-I Mumbai against its employee Shri B. R. Pai is fair and proper?	Yes.
2.	Whether the findings of I.O. are perverse?	No.

REASONS

Issue No.1 :-

7. In respect of inquiry only two defects are pointed out. They are (1) Copies of all the documents demanded were not furnished or supplied to the workman. (2) The main witnesses Mr. Ajay Vaish and his Agent Mayur Kapadia were not examined who were most relevant and important witnesses. In this respect it was submitted on behalf of the workman that during the inquiry proceedings the second party workman had sought for some documents in respect of the policy of Mr. Vaish and policy of his wife. However they were not furnished. The status report of policy of Ajay Vaish and premium history of his policy were not called though workman has sought for the same.

8. In this respect the Id. adv. for the first party pointed out that the copies of documents used in the inquiry proceeding were supplied to the second party. However the documents which are neither referred nor relied upon were unnecessary. Therefore copies of such documents which are not part of inquiry proceeding were not called for to give to the second party. That does not create any hurdle in the inquiry proceeding. On the point Apex

Court ruling can be relied on in Pandit D. Aher V/s. State of Maharashtra (2007) 1 SCC 445 in para 10 of the judgement the Hon'ble Court on the point observed that;

"A copy of document which has not been relied upon, is not required to be supplied to a delinquent officer. The documents which are required to be supplied are only those where upon reliance has been placed by the department."

9. It is not the case of the workman that he did not receive the copies of the documents referred and used in the inquiry proceeding. In the light of above ruling it is clear that, non-supply of copies of documents neither referred nor relied upon does not create defect in the inquiry proceeding. Therefore this defect pointed out on behalf of the second party does not stand to reasons.

10. In respect of non-examining witness, Mr. Ajay Vaish and Mayur Kapadia, the Ld. Adv. for the second party submitted that they were relevant and concerned witnesses. The management did not examine them and they were not made available for cross examination. Therefore the inquiry cannot be called fair and proper. In support of her argument the Ld. Adv. resorted to Apex Court ruling in Hardwarilal V/s. State of U.P. & Ors. 2000 (84) FLR 3 (SC). In that case, in the departmental inquiry a Police Personnel alleged to have hurled abuses under the influence of liquor in the Police Station at Constable Prakash Chandra Pandey. In the inquiry proceedings, the two important witnesses in whose presence the incident had taken place were not examined. In respect of non-examination of the complainant and the eye witness, Jagdish Ram the Tribunal in that case, was satisfied that examination of Virendra Singh was only formal to prove the report and no prejudice has been caused to the defence of the charge-sheeted employee. The Hon'ble High Court affirmed the said findings. The matter was taken to Supreme Court. On the point Hon'ble Apex Court observed that;

"We do not think that Tribunal and High Court were justified in thinking that non examination of these two persons could not be material. In these circumstances we are of the view that high Court and Tribunal erred in not attaching importance to this contention of the appellant."

11. In that case both the witnesses were eye witnesses to the incident that, the charge-sheeted employee huddled abuses under influence of liquor. Such an incident can be proved only by examining the eye witnesses. They were not examined therein to prove the incident. However in the case at hand there was no such incident required to be narrated by oral evidence. On the other hand, the case at hand is totally based on documentary evidence and entries in the account books maintained during the course of business. Therefore the ratio laid down in the above ruling is not attracted to the set of facts of the present case.

12. In this respect it was pointed out on behalf of the first party that there are documents on record such as entries of cheques of Shri Vaish credited against the policies of workman and his wife respectively. Both the cheques were issued by Mr. Ajay Vaish drawn on his account maintained in Punjab National Bank. This documentary evidence on record suffice the purpose to show that the cheques of Mr. Vaish were credited against the life policies of workman and his wife. The policy numbers of life policy of Mr. Vaish were changed and numbers of policies of workman and his wife were written by forging the original numbers. In the circumstances Mr. Vaish or Mr. Kapadia the agent of Mr. Vaish were not necessary witnesses. On the other hand they have no knowledge about these facts. Furthermore it was also pointed out that the workman has admitted in his cross that he has availed the income tax rebate of the respective years in respect of the instalments credited in his policy and in the policy of his wife. It indicates that the workman was well aware that the instalments were deposited against their respective policies. All these documentary evidences suffice the purpose to show that the cheques of Mr. Vaish issued on the relevant dates were not credited towards the respective premiums of his policy. On the other hand they were credited against the policies of the workman and his wife for the respective years. Availing tax benefit by the workman further indicates that workman was well aware that instalments were credited against his Life Policy and the Life policy of his wife. As the documentary evidence was sufficient on record, it was not necessary to examine either Mr. Vaish or Mr. Kapadia. They would have not be able to give any details except the fact that Mr. Vaish had issued cheques towards the respective premiums of his policy and had written policy numbers at the rear side of the respective cheques. The said fact is not even disputed by the workman. Therefore these two witnesses were neither necessary nor material. Furthermore such companies as far as possible always avoid to examine customers of the company in such type of cases, as it causes harm to their reputation, which ultimately affects their business. In the circumstances conclusion can be arrived at that, non-examination of these witnesses did not cause any prejudice to the interest of the second party workman as entire case is based on the documentary evidence.

13. It was also submitted on behalf of the second party that, the inquiry officer did not send the concern cheques to handwriting expert to verify whether the numbers were forged by the workman or somebody else. In this respect I would like to point out that there is very little scope for the handwriting expert as only eight ten numbers were forged on the cheques. Furthermore the workman was working in the same branch and had ample opportunity to get the numbers forged by himself or through some other person. The fact is not disputed that the workman was working in the same branch No. 901 where the record of these three policies are maintained.

The workman was HGA in the same branch. By forging and changing the numbers of life policies on the cheques and writing the number of life policy of workman and his wife ultimately the workman was the beneficiary of the mischief. The workman cannot say that somebody else had done it without his knowledge as he has availed the tax benefit of the relevant years in respect of the insurance premium of his wife in the year 1998 and insurance premium of his own policy for the year 2001. In the circumstances not sending the cheques to handwriting expert neither caused any prejudice to the workman nor create any defect in the inquiry.

14. The Ld. Adv. for the second party submitted that domestic inquiry is not a sheer formality but the Inquiry Officer must follow the rule of natural justice. In support of her argument, the Ld. Adv. resorted to Apex Court ruling in *Kumar Ram Nandan V/s. Fluid Power Pvt. Ltd. & Ors.* 1987 II LLN 748 wherein the Hon'ble Court observed that;

"The cardinal principles of labour jurisprudence enjoin upon an employer to hold a domestic enquiry against a workman honestly and bona fide with care and caution that such an enquiry does not become an empty formality. It is an elementary principle of labour law that while holding domestic enquiry rules of natural justice must be faithfully followed and fair play strictly ensured."

15. In this respect as it is discussed above, the entire case of the alleged misconduct was based on documentary evidence such as the two cheques issued by Mr. Vaish. The numbers of policy were written at the rear side of both the cheques and the said numbers were changed by forgery and those cheques were credited in the policy accounts of the workman and his wife respectively. Under Section 34 of Evidence Act, the entries in the register or account books maintained during the course of business can be read in evidence. In such circumstances there was no scope for oral evidence and non-examination of Mr. Vaish and Mr. Kapadia cannot be said to have caused any prejudice to the workman. Therefore non-examination of these witnesses cannot be said violation of principles of natural justice.

16. By way of conclusion I would like to point out that the charge-sheet was served on the workman. He gave his reply thereto. Copies of documents on record before the Inquiry Officer were given to the workman. He was given an opportunity to defend himself and to lead his evidence. It indicates that sufficient opportunity was given to the workman by the I.O. Question of biasness of I.O. does not arise. As there was sufficient documentary evidence and there was no scope for oral evidence. Thus the management has not examined the two witnesses. Therefore question of causing any prejudice to the workman does not arise.

17. In short, I come to the conclusion that the Inquiry Officer has conducted the inquiry as per the procedure and in a fair manner, sufficient opportunity was given to the workman to defend himself. In this backdrop I come to the conclusion that, the inquiry was fair and proper. Accordingly I decide this issue no.1 in the affirmative.

Issue No. 2 :-

18. The Ld. Adv. for the second party in this respect submitted that the attitude of the Inquiry Officer was bias. Therefore without examining the complainant he reached to the conclusion that the workman was guilty of the alleged charges. In support of his argument the Ld. Adv. for the second party resorted to Apex Court ruling in *State of West Bengal and Ors. V/s. Shivananda Pathak* 1998 FLR (79) 684. Wherein in respect of bias state of mind the Hon'ble Court observed that;

"Bias, as pointed out earlier, is a condition of mind and, therefore, it may not always be possible to furnish actual proof of bias. But the courts for this reason, cannot be said to be in a crippled state. There are many ways to discover bias; for example by evaluating the facts and circumstances of the case or applying the tests of "real likelihood of bias" or "reasonable suspicion of bias".

19. In the case at hand without examining the original complainant, on the strength of documentary evidence the I.O. has rightly come to the conclusion that the workman was guilty for the alleged misconduct as documents and entries in the register and A/c book indicate that the cheques issued on two occasions by Mr. Ajay Vaish drawn on his account on Punjab National Bank were credited against the premium of the Policy of workman and his wife respectively. The numbers of policies on those cheques were found changed and instead of policy number of Shri. Vaish, the numbers of policies of workman and his wife were written at the rear side of the cheques. The defence of the workman does not stand to reasons that he has no knowledge as to who has forged the numbers of the policies written at the rear side of the respective cheques, for the simple reason that, the workman himself has availed the tax rebates / benefit for payment of insurance premium of the respective years. It clearly indicates that the workman was well aware that the cheques of Shri. Vaish were credited towards premium of his life policy and policy of his wife in the respective years. Workman was working in the same branch No.901 and had the opportunity to forge the numbers. Furthermore he himself has not paid those premiums, inspite of that, he has availed the income tax benefits. All these facts, documents, entries in the registers and account books indicate that, the mischief was committed by the workman. The findings of the inquiry officer are based on these facts and documents on record. Therefore the findings of the Inquiry Officer cannot be called bias or perverse. In the case at hand the

documentary evidence on record is conclusive and more than the requirement of preponderance of probability.

20. In this respect Ld. Adv. for the first party submitted that in departmental inquiry the management need not prove the charges beyond reasonable doubt as required in a criminal trial. The standard of proof in domestic inquiry is altogether different and mere preponderance of probability suffices the purpose. In the case at hand the documentary evidence on record is conclusive. In support of his argument Ld. Adv. resorted to Bombay High Court ruling in Maharashtra State Co-op. Cotton Growers Marketing Federation & Anr Vs. Vasant Ambadas Deshpande 2014 (2) ALL MR 682. In para 23 of the judgement the Hon'ble Court cited the Apex Court ruling in Dy. Inspector General of Police V/s S. Samuthiram reported in 2013 (1) CLR 16 and observed that;

"The Apex Court has once again concluded that by the preponderance on the principle of probabilities one can come to a conclusion that the charges are proved against an employee."

21. The findings of Inquiry Officer are based on the cogent documentary evidence on record discussed hereinabove. Thus I found that the findings of the Inquiry Officer are not perverse. Accordingly I decide this issue no.2 in the negative and proceed to pass the following order:

ORDER

- (i) The inquiry is held fair and proper.
- (ii) Findings of Inquiry Officer are not perverse.
- (iii) Parties to lead evidence/argument on the point of quantum of punishment.

Date: 05/09/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3156.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ऑयल ब्लेंडिंग लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, मुंबई के पंचाट (संदर्भ संख्या 15/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-30015/23/2004-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2005) of the Central Government Industrial Tribunal/

Labour Court No.2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Blending Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-30015/23/2004-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT :

K.B. KATAKE, Presiding Officer

Reference No.CGIT-2/15 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

M/S. INDIAN OIL BLENDING LIMITED

The Plant Manager
M/s. Indian Oil Blending Ltd.
Trombay
Mumbai 400 074.

AND

Their Workmen

The Secretary General
Petroleum Employees Union
Tel Rasayan Bhavan
Tilak Road
Dadar
Mumbai-400 014

APPEARANCES:

For the : Mr. Anil Kumar, i/b
Employer M/s. Negandhi Shah &
Himayatullah,
Advocate

For the : Mr. R. D. Bhat,
Workmen Advocate

Mumbai, dated the 24th September, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-30015/23/2004-IR (M), dated 16.12.2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"1. Whether the contract between the contractor and the management of Indian Oil Blending is sham and bogus and is a camouflage to deprive the workmen whose names are enlisted at Exhibit 'A'

from the benefits available to permanent workers of the Indian Oil Blending?

2. Whether the workmen whose names are enlisted at Ex-A should be declared as permanent works and wages and consequential benefits be paid to concerned workers?"

List of Workmen

1. S/Shri Yashwant Mane
2. Mahendra J. Batawale
3. Raju L. Salve
4. Dayashankar Mishra
5. Mohansingh Sonar
6. Santosh D. Kukamkar
7. Krishna N. Gowda
8. Santosh A. Ahwad
9. Ramdas B. Sangam
10. Kamalakar N. Jadhav
11. Yeshwant D. Shelar
12. Prabhakar D. Yashwant
13. Ravi Murlidhar Pawar
14. Anand V. Kamble
15. Ashok Shankar Pakre
16. Bhanudas D. Magar
17. Bhaskar Dasrath Bhongle
18. Krishan N. Gawde
19. Janardhan G. Patel
20. Vasudev T. Koli
21. Vijay R. Thandel
22. Arun R. Shelavale
23. Sopan B. More
24. Jaganath B. Mhatre
25. Madam K. Patel
26. Prashant M. Koli
27. Padmanabha Poojari
28. Bhikaji Mohite
29. Padmanabha R. Hegde
30. Jayakar D. Poojari
31. Harish S. Hegde
32. Shivappa B. Poojari
33. Mahesh O. Hegde

34. Vishwas J. Shetty
35. Kishor K. Kadam
36. Rajesh B. Poojari
37. Pradeep S. Das

2. After receipt of the reference, notices were issued to both the parties. In response to the notice second party Union filed their statement of claim at Ex-9. According to the union, the workman under reference were employed by the first party as Sweeper /Cleaner for the work of cleaning control room, pump room, blending cattle area, lubricating machine area, mezzanine floor area, basement floor area twice a day, collecting oil into drums and cleaning the area with sawdust, collection of deposit of other material like damaged cap seals, washers, wooden crates, empty gunny dumped in the area, cleaning all glass windows, panes, window palmettos, removing cobweb in the building, cleaning ventilations, cleaning tube lights and fittings, sweeping of terrace of canteen building and office building, cleaning septic tanks and drainage adjacent to boiler and WCR and all drainage inside the plant, cleaning of storm water, drainage, cleaning of jetty, cleaning of solar collectors and pipe lines, cleaning of valley gutters, eaves gutters of asbestos roof of the water house Railway Siding etc. Their work is of perennial nature and the workmen under reference are doing the same work day to day. Their service conditions are inferior and they are being given discriminatory treatment in respect of their service conditions. Their work is of hazardous nature and they are being paid poorly. Their work is being supervised directly by the officials of the company.

3. Till 1983 these works were being performed by regular permanent Sweepers. However since 1983 the regular Sweepers were transferred to some other technical department and the work is given to these workers. The union has filed a writ before Hon'ble High Court. After verifying the trouble of the workmen, the Hon'ble High Court granted interim relief. The workmen are attending the work of management. The officials of management are supervising their work. Since April, 1987 to February 1989 M/s. K.K. Enterprises was shown as contractor. Since 1989 M/s. A.A. Pradhan was shown as contractor. In 1998 M/s. Good housekeeping was shown as Contractor. From October 1999 to February 2002 M/s. A.A. Pradhan was shown contractor. From March 2002 to August 2002 M/s. Teknokem. From Sept 2003 till the date of reference M/s. Jyotsana Enterprises was shown as the contractor. The workers are the same and contractors were being changed. Only payments were made through contractor. The contract between contractors and the management are sham, bogus and mere camouflage to deprive these workmen from getting the benefits of permanency. These workmen are in direct service of the management as permanent workmen in the category of class-IV employees. The workmen have made

number of representations for paying them the wages at par with permanent/regular employees. However the management refused thereto. Therefore the workman have raised the dispute and prays for declaration that, contract arrangement between the contractor and the management be declared as sham, bogus, dubious and mere camouflage to deprive these workmen from getting benefit of permanent workmen. They also pray for declaration that they be declared as in direct service of the management as permanent Class-IV employees of the management. They also pray for all consequential benefits in the category of permanent Class IV employees.

4. The first party management resisted the Statement of Claim vide its Written Statement at Ex-18. According to the first party the reference is not maintainable. According to them the notification in respect of abolition of contractor labour in the process of sweeping, cleaning, dusting and watching of buildings owned and occupied by establishment was quashed and set aside by Hon'ble Supreme Court in the case of Steel Authority of India & Ors. Vs. National waterfront workers union & ors in the year 2001. Therefore the reference is not tenable. The present reference is misconceived in facts and bad in law and barred on the ground of non-joinder of necessary party. The contractors, M/s. Pradhan and M/s. Jyotsana Enterprises are the necessary parties to this reference. The first party is not engaging 20 or more contract labourers on any day and thus Section 12 of Contract Labour (Regulation and Abolition) Act 1970 is not applicable to the contractors. As per the policy of the company, first party had awarded contracts against public tender from the licenced contractors. The contracts are legal and enforceable in the eye of law. The workmen are the employees of the contractor and not that of the company. They are engaged by the contractor and being paid by the contractor. All the statutory benefits like PF, ESI are being extended to them by these contractors. They are being paid by the contractor at par with the long term settlement as applicable to the regular employees of the first party company and in consonance with the report of Regional Labour Commissioner.

5. According to the first party company, no permanent employee of first party company is performing the same or similar work as performed by the contract labourers. The contract labourers are being engaged to do housekeeping work of the first party company. They are engaged through contractor. There is no employer-employee relationship between these workmen and the first party. Some of the workmen shown in the list are not attending the work since long and they are not entitled to any relief. These workmen are contract workers and not entitled for regularisation in the service of the first party. Therefore the workmen are not entitled to any relief as prayed in the statement of claim. The First party thus prays that the reference be dismissed with cost.

6. Following are the issues framed by my Ld. Predecessor for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether contract between the contractor and management is sham and bogus as alleged by second party?	Yes
2.	Whether workmen involved in this reference as mentioned in annexure of the corrigendum require to be declared as permanent employees of first party?	Yes
3.	What order?	As per order below

REASONS

Issue no.1:-

7. In the case at hand the workmen have claimed that they are working with the first party since more than last 20 years. Initially the company was paying them directly. Since 1987 the first party has started paying them through contractors. In this respect the fact is not disputed even by the first party that these workmen barring 2/3 are working continuously for more than 20 years as Sweeper/Cleaner in the establishment of the first party. The officer of the first party Mrs. Soumya Babu, the Dy. Manager has admitted in her cross (Ex-33) that all these workmen were performing work as per the instructions given by the officers of the company. The fact is also not disputed that the workmen were working continuously since 1983 and 1987 and 1993 and contractors were kept on changing periodically.

8. The Ld. Adv. of the second party submitted that, the work of these workmen was being supervised directly by the officials of the company. It indicates that they are the employees of the first party. On the point the Ld. Adv. for the first party submitted that, the workmen cannot become employee of the principal employer, merely as their officers have given some instructions to them in respect of the work. In respect of nature of contract, he argued that, there were valid contract of the company with registered contractors, who have supplied these labourers to the company. The labourers have to work as per the direction of the company. Merely giving some direction or supervising their work by officers of the company is not sufficient proof to show that the workmen are direct employees of the company. In support of his argument the Ld. Adv. resorted to Apex Court ruling in International Airport Authority of India V/s. International Air Cargo Workers Union & Anr. AIR 2009 SC 3063 wherein in para 28 of the judgement, the Hon'ble Court on the point observed that;

"Merely because the contract labour work is under the supervision of the officers of the principal employer, it cannot be taken as evidence of direct employment under the principal employer."

9. On the point Ld. Adv. for the first party also resorted to another Apex Court ruling in *General Manager (OSD), Bengal Nagpur Cotton Mills, Rajnandgaon V/s. Bharat Lal & Anr.* 2011 (1) LLN 368 (SC) wherein Hon'ble Court held that merely because work instructions were issued by officers of principal employer does not make him his employer rather than contractor.

10. The Ld. Adv. for the first party further submitted that, admittedly the wages were being paid to these workmen by the respective contractors. Secondly the workmen were working under the supervision of supervisor of the contractor and not under the officers of the company. Therefore he submitted that there exists no employer-employee relationship with these workmen. In support of his argument he cited Apex Court ruling in *General Manager (OSD) Bengal Nagpur Cotton Mills, Rajnandgaon V/s. Bharat Lal & Ors.* (2011) 1 SCC 635. In para 10 of the judgement the Hon'ble Court on the point whether the contract is sham and bogus and contract labourers are direct employee of the principal employer, observed that;

"Two of the well-recognised tests to find out whether contract labourers are the direct employees of the principal employer are (i) whether the principal employer pays the salary instead of contractor (ii) whether the principal employer control and supervise the work of the employee."

11. In this respect the Ld. Adv. for the second party submitted that, the totality of facts and circumstances are required to be taken into account to determine the point and a single test be it control test or be it organisation or any other test is not sufficient to determine whether contract is sham and bogus. In support of his submission Ld. Adv. for the second party resorted to Apex Court ruling in *Workmen of Nilgiris Co-op. Marketing Society Ltd. V/s. State of Tamil Nadu* in para 31 of the judgement the Hon'ble Court on the point observed that;

"Determination of vexed questions as to whether a contract is contract of service or contract for service and whether the concerned employees are the employees of the contractors, has never been an easy task. No decision of this court has laid down any hard and fast rule nor it is possible to do so. The question in each case has to be answered having regard to the fact involved therein. No single test -be it control test, be it organisation or any other test has been held to be the determinative factor for determining jural relationship of employer and employee."

12. In this respect the Ld. Advocates for the second party submitted that, till 1987 there was no contractor

and the wages were being paid directly by the company and their work was also being supervised by the officials of the first party. Since 1987 onwards the company has inducted the contractors. The contractors were being changed periodically, and the same workers continued to work. They were working as per the instructions issued by the officials of the company. The Ld. Adv. for the second party further submitted that, the workmen are claiming contract are sham and bogus not merely on the ground that, they were working under direct control of the officers of the company. According to them there are number of other factors, indicating that these workmen are the employees of the first party and the contracts are sham, bogus and nominal. According to them, these workmen are working more than 20 years continuously when the contractors were keep on changing periodically. For the period 1983 to 1987 there was no contractor and they were paid by the Company and for all purposes they were the employees of the first party. Since 1987 onwards the company has inducted the contractors. They were engaged for one or two years and the same workers continued to work for more than 20 years. Furthermore from the nature of work it is clear that the work is of perennial nature. The long duration is also one of the circumstances indicating the regular need of work to the company. On the point Apex Court ruling can be resorted to in *Workmen of Burkunda Colliery of Central Coal Fields Ltd. & Anr. V/s. Management of Burkunda Colliery of Central Coal Fields Ltd. & Anr* 2006 I CLR 635 (S.C.) wherein the Hon'ble Court on the point observed that;

"When temporary or ad-hoc appointments are continued for long, Courts presume that there is regular need for his services on regular post and considers case for regularisation."

13. In the case at hand the fact is not disputed that the same workmen are working for more than 20 years continuously. It indicates that the need of the employer is of perennial and regular nature and these services are required on regular basis. All these facts indicate that, the contracts are sham, bogus and mere camouflage to deprive the workmen from the benefits of permanent employees. It amount to exploitation of poor workmen as they are working on daily wages for more than 20 years continuously.

14. In this respect Ld. Adv. for the first party submitted that employee who has not come through Employment Exchange and not recruited by following the procedure prescribed therefor cannot be absorbed as permanent employee. In support of his argument the Ld. Adv. resorted to Bombay High Court ruling in *Airport Authority of India, Mumbai V/s. Indian Airport Kamgar Union & Ors.* 2010 III CLR 270 wherein the Hon'ble Court held that when the contract labourers do not come through Employment Exchange nor they have appeared for any written test and they have no complaint against the contractor who pays them their salaries and other benefits

and when no charge sheet are issued to them by the principal employer, despite its supervision and control, these are all the incidents of the contract between the labourers and contractors which contract cannot be termed as sham and bogus.

15. The Ld. Adv. for the first party further submitted that the abolition of contract labour cannot be directed by the Court or Tribunal. Only appropriate Government can take the action to that effect under Section 10 of the Contract Labour Act. In support of his argument, the Ld. Adv. resorted to Apex Court ruling in *Steel Authority of India Ltd. V/s. Union of India and Ors.* 2006 III CLR 659 wherein the Hon'ble Court on the point observed that;

"It is not disputed before us that matter relating to abolition of Contract Labour being governed by the provisions of the 1970 Act, the Industrial Court will have no jurisdiction in relation thereto."

16. In this respect the Ld. Adv. for the second party submitted that, the workmen herein are not praying for abolition of contract labour system. On the other hand they claim that the contracts are sham, bogus and mere camouflage to deprive them from getting the benefits of permanency. Therefore he rightly argued that, the ratio laid down in the above ruling is not attracted to the set of facts of the present case.

17. The Ld. Adv. for the second party submitted that the union herein has prayed for declaration that, the contracts are sham and bogus. Therefore this Tribunal has jurisdiction to entertain the reference. On the point the Constitutional Bench, Apex Court ruling can be resorted to in *R.K.Panda & Ors. V/s. Steel Authority of India & Ors.* 1994 II CLR 402 wherein employees therein were serving for 10 to 20 years and have claimed that they became direct employees of the respondent and they have direct link with the principal employer eliminating the contractor from the scene. In that matter the Hon'ble Court held that, normally the Labour Court or Industrial Tribunal under the I. D. Act or under the Contract Labour Act are the competent fora to adjudicate such disputes on the basis of the oral and documentary evidence produced before them. Same ratio is reiterated by the Hon'ble Apex Court in its subsequent judgement in *National Federation of Railway Porters and Vendors and Bearers V/s. Union of India & Ors.* 1995 II CLR 214 (SC).

18. The Ld. Adv. for the first party in this respect cited the Apex Court ruling in *The Secretary, State of Karnataka & Ors. V/s. Uma Devi & Ors.* 2006 (3) L.L.N. 78 wherein, the Hon'ble Court held that, the services of contract workers, cannot be regularised as it would amount to back door entry in the service other than the recruitment process. In this respect I would like to point out that, the unions herein are not claiming regularisation or absorption in the service. On the other hand according to them the contracts are sham, bogus and nominal and the workers

are in fact direct employees of the company. Therefore the ratio laid down in the above Apex Court ruling in the case of *Uma Devi* is also not attracted to the set of facts of the case at hand.

19. From the facts on record for the following reasons I found that the contracts are same, bogus and nominal, they are (1) Initially they were engaged directly by the first party in the year 1983. (2) Till 1987 their work was supervised and wages were paid by first party directly (3) contractors were inducted since 1987 (4) The contractors were kept on changing periodically when the workmen are same working continuously for more than 20 years. (5) The work is of perennial nature (6) Previously till 1983 the same work was being done by the regular employees of the first party and there were vacancies since 1983.

20. In addition to the above, the Ld. Adv. of the second party further pointed out that, the ability, competency and qualification etc. of these workmen was never questioned by the company for last number of years. Some of them are also doing jobs of technical nature i.e. collecting various oil samples etc. The period they have worked for is sufficient to show that, they were well trained and competent to do their respective jobs assigned to them. It is further pointed out that not only these workmen were working under direct supervision of the officers of the company but they were doing the work of perennial nature. They are doing the respective jobs continuously for years together without any interruptions whereas the contractors were kept on changing after gap of a year or two. All these facts indicate that the workmen herein were continuously working for the management for more than 20 years and the company was signing contracts periodically merely to deprive these workmen from getting the benefits of permanency. He further pointed out that these workmen are working for meagre amount of minimum wages. After such a long service of more than 20 years their monthly pay is Rs.5000/- to Rs.7000/- only whereas the permanent employees, performing the same work are getting much more pay, allowances, leave, medical leave facilities, canteen facilities, leave travel concession etc. According to the Ld. Adv. for the second party, the workmen herein are very poor and fighting to meet the two ends of their respective families. They hardly can spend any thing for the education and welfare of their children. By this type of policy of the company, poor are getting poorer. From these facts, picture is clear that all these workmen are very poor and therefore they have no other alternative but to work for such a meagre amount for number of years. Such type of exploitation needs to be checked. In this respect I would like to point out that there are number of labour welfare legislations enacted in order to protect the workmen. In spite of that, exploitation of the poor class is still going on under the garb of contract labourers or daily wagers etc.

21. Hon'ble Apex Court in a recent ruling has taken note of such exploitations of the poor workmen in Bhilwara Dugdh Udpadak Sahakari S. Ltd. V/s. Vinod Kumar Sharma & Ors. 2011 III CLR 386 (SC) wherein, the Hon'ble Apex Court in respect of such exploitation in the name of so called contract labourers or daily wagers observed that;

"This appeal reveals the unfortunate state of affairs prevailing in the field of labour relations in our country. In order to avoid their liability under various labour statute employers are every often resorting to subterfuge by trying to show that their employees are in fact the employees of a contractor. It is high time that this subterfuge must come to an end. Labour statutes were meant to protect the employees/workmen because it was realised that the employer and the employees are not on an equal bargaining position. Hence protection of employees was required so that they may not be exploited. However this new technique of subterfuge has been adopted by some employers in recent years in order to deny the rights of the workmen under various labour statutes by showing that the concerned workmen are not their employees but are the employees / workmen of a contractor or that they are merely daily wage or short term or casual employees when in fact they are doing the work of regular employees."

The Hon'ble Court further observed that;

"This Court cannot countenance such practices anymore. Globalisation / liberalisation in the name of growth cannot be at the human cost of exploitation of workers."

22. The Hon'ble Apex Court has shown utmost sensitivity in respect of implementation of Labour Legislations in Harjinder Singh V/s. Punjab State Warehousing Corporation 2010 I CLR 884 wherein it is observed that;

"The Preamble and various Articles contained in part IV of the Constitution promote social justice so that life of every individual becomes meaningful and he is able to live with human dignity. The concept of social justice engrafted in the Constitution consists of diverse principles essentially for the orderly growth and development of personality of every citizen. Social justice is thus an integral part of justice in the generic sense, justice is the genus, of which social justice is one of its species. Social justice is a dynamic device to mitigate the sufferings of the poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person."

23. These observations of Hon'ble Apex Court are eye opening and squarely applicable to the case at hand. The workmen herein are working since last more than 20 years continuously. They are doing the work of perennial nature. In spite of that the first party seems to have inducted some contractors and paying only minimum wages which is not sufficient in these days even to meet two ends of their families. It amounts to exploitation as has been observed in the above ruling. In the light of facts and circumstances of this case, I hold that that the contracts between the first party and the various contractors are found to be sham bogus and nominal. Accordingly I decide this issue no.1 in the affirmative.

Issue no.2 :-

24. In the light of discussions and finding of issue nos. 1 herein above it is clear that the contracts between the first party and the various contractors are found to be sham and bogus. The workmen under reference are working there since last more than 20 years continuously. They are doing the work of hazard and of perennial nature as has been discussed herein above. I therefore hold that these workmen are entitled to the declaration that they are employees of the first party. Thus they are also entitled to the pay, allowances and other benefits at par with the permanent employees on the basis of principle of 'equal work equal pay'. In this backdrop it needs no more discussion to arrive me at the conclusion that the workmen herein are the employees of the first party and there exists employer-employee relationship between them. Accordingly I decide this issue no.2 in the affirmative. Thus I proceed to pass the following order:

ORDER

- (i) The reference is allowed with no order as to cost.
- (ii) The intermediate contracts of the first party with various contractors are hereby declared as sham, bogus and nominal.
- (iii) The workmen under reference are declared as employees of the first party.
- (iv) The first party is directed to pay them the pay & allowances and give them status and all other facilities at par with the regular Class IV employees with effect from date of completion of two years of initial period of probation from the respective dates of their appointments.
- (v) The first party is directed to pay all the arrears of the respective workmen within six months; 50% in cash and the rest of the amount be deposited in their respective Provident Fund Accounts.

Date: 24.09.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 53/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/14/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/14/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 53/2013

Between:

Shri Manto Kumar,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/14/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Manto Kumar, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 53/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 54/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/15/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/15/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer
Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 54/2013

Between:

Shri Peetambar Sahu,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/15/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Peetambar Sahu, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 54/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 55/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/16/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/16/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014
INDUSTRIAL DISPUTE No. I.D. 55/2013

Between:

Shri Chumanal Sahu,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/16/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Sumanlal Sahu, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 55/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 56/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/17/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/17/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 56/2013

Between:

Shri Sambhu Sahni,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/17/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Shambhu Sahni, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 56/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3161.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 57/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/18/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/18/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 57/2013

Between:

Shri Md. Goush,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s. C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/18/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

Whether the demand of Shri Md. Goush, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 57/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 22/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं.एल-20012/562/2001-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 22/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/562/2001-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Ref. No. 22 of 2002

PARTIES : The Vice President
Bihar Colliery Kamgar Union, Head Office
Refugee Market, Temple Road, Dhanbad.

Vs. The Project Officer,
Govindpur Colliery of M/s. BCCL PO:
Katrash, Dhanbad

Ministry's Order No. L-20012/562/2001-IR
(C-I) dt. 1.3.2002.

APPEARANCES:

On behalf of the workman/Union : Mr. B. B. Pandey,
Ld. Advocate

On behalf of the Management : Mr. D. K. Verma,
Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 30th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on then under Sec. 10(1)(d)

of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/562/2001-IR (C-I) dt. 1.3.2002.

SCHEDULE

"Whether the dismissal from service of Sri Ras Bihari Yadav by the Management of Govindpur Colliery Area -III of M/s BCCL is legal and justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No L-20012/562/2001-IR. (C-I) dt. 1.3.2002 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 22 of 2002 was registered on 01.04.2002 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of sponsoring Union for the workman is that workman Rash Bihari Yadav had been working as a permanent Miner Loader at Govindpur Colliery since long. But the anti labour Management malafide issued him the charge sheet dt. 10/13.5.1994 for giving false information about the particulars for the purpose of employment or concealment of any fact under clause 26.1.12 of the Certified Standing order of the Company, as he is the son of Kishun Yadav who is brother of Fagu Ahir, but the workman had mentioned his father's name as Fagu Ahir in the Identification/Verification report and other papers. Though the workman submitted his satisfactory reply to it, the Management conducted an invalid and irregularly departmental enquiry through a biased Enquiry Officer. The workman was not given full opportunity for cross-examination of the Management witness or for defence ones. No Change was proved in the enquiry. The findings of the enquiry Officer were perverse, and baseless. The copies of the enquiry report, proceedings and second show- cause notice were not supplied prior to passing the dismissal order. The workman was dismissed on the basis of invalid and irregular enquiry. The dismissal letter as issued by an unauthorized person. Despite several times representations of the workman against the illegal and arbitrary dismissal order, the management took no cognizance of it. Lastly, the Union raised the Industrial Dispute before the ALC(C), Dhanbad, but failure in its conciliation due to the antilabour attitude of the Management resulted in the reference for an adjudication. The dismissal of the workman from service by the

Management is neither legal nor justified. The action of the Management was illegal, unjustified, vindictive, against the principle of natural justice and the provision of the Certified Standing order of the Company. It was harsh and disproportionate to the alleged offence.

No rejoinder has been filed on behalf of the workman.

3. Whereas challenging the maintainability of the reference, the contra case of the OP/Management with categorical denials is that workman Ras Bihari Yadav had entered into the service as M/Loader on 26.11.1992 under clause 09.4.0. of the NCW-IV against the medical unfit case of one Fagu Ahir, an Ex-employee of M/s. BCCL. The workman had submitted all his papers, claiming to be son of Sri Fagu Ahir. One police verification, it was found that he was factually the son of Kishun Yadav, the brother of Sri Fagu Ahir. The above act committed by the workman constituted a serious misconduct, so the charge sheet was issued to him on 13.5.1994. The workman submitted his reply to the chargesheet, denying the allegation levelled against him. On consideration of his reply, the Management found it unsatisfactory. The Management appointed Sri Ganesh Prasad as the Enquiry Officer for conducting the domestic enquiry in accordance with the principles of Natural Justice. The Enquiry Office fairly conducted the domestic enquiry in which the workman fully participated. The Enquiry Officer submitted his enquiry report, having held the charges levelled against the workman established fully. The Disciplinary Authority dismissed the workman for his proved misconduct. The dismissal of the workman is legal and justified. The OP/Management has also sought the permission to prove the fairness of the domestic enquiry at a preliminary hearing, and in case of finding it unfair, then to allow to adduce evidence afresh for proof of the charge.

The OP/Management in their rejoinder has simultaneously categorically denied all the allegations of the workman as incorrect, and stated that the workman entered into the employment fraudulently.

FINDING WITH REASON

4. In the instant case, Mr. B.B. Pandey, Ld. Advocate for the workman by filing a petition duly seen by Mr. D.K. Verma, Ld. Counsel for the OP/Management in course of preliminary enquiry has submitted that the workman concedes to the domestic enquiry as fair and proper, and accordingly the domestic enquiry was held fair as per the order No.33 dt. 31.7.2013 of the Tribunal. It has resulted in the final argument of both the parties on merits.

Mr. B.B. Pandey, Learned Advocate for the workman Rash Bihari Yadav has submitted that he had got his compassionate appointment in place of his father, but he was issued the charge sheet that he has not the son of Fagu Ahir. According to him, the Enquiry Report (Ext.M.3) at the concluding Para 8 appears to have supported the case of the workman as adopted son of Fagu Ahir as such no change was proved against him, so he was allowed to resume his duty as per the Note sheets (Ext.M.4), despite

the fact the workman was illegally dismissed as per the letter dt.27/29.12.1997 (Ext.M.5) as it was decided by the Competent Authority to do so for giving false information in order to get his employment, and there was no second Show cause notice to the workman, so the dismissal of the workman was not justified.

In quick response to it, Mr. D.K. Verma, Learned Advocate for the O.P./Management has contended that the workman has all along misrepresented himself as the son of Fagu Ahir as apparent from his service record including his own affidavit dt.9th Sept., 1991 while getting the employment, but later on, in the course of the proceeding the workman firmly claimed to be the son of Fagu Ahir, his statement in his cross examination clearly expresses his ignorance of whether he was adopted son by Fagu Ahir or not or about his being as son of Kishun Yadav whereas the Police report at page 36 clearly affirms that the workman was not the son of Fagu Ahir, rather he was the son of Kishun Yadav, the brother of Fagu Ahir. Mr. Verma, Ld. Counsel for the O.P./Management has emphasized the fact that during the enquiry, it has been prime facie proved that the workman had fraudulently taken his employment as the son of Fagu Ahir whereas he was factually the son of Kishun Yadav, but later on the workman was alleged to be adopted son of Fagu Ahir as per plain agreement ("Ekrarnama") dt.10.09.1976 which was never produced at the time of his compassionate appointment in place of his Ex-employee Fagu Ahir in the year 1992. Mr. Verma thus submits that moreover the Enquiry Officer's report is not final and decisive, the Disciplinary Authority is entitled to take a different view and punish delinquent if found guilty as held by the Hon'ble Supreme Court in the case of State (NCT of Delhi) Vs. Ajay Kumar Tayagi reported in (2012)2SCC (L & S)811(CB): (2012)9 SCC 685. In the instant case, no criminal proceeding was against the workman a criminal for fraudulent representation. Mr. Verma submits that giving totally the false information by the workman for his fraudulent employment is a very serious misconduct under clause 26.1.12 of the Certified Standing Order for the workmen of Establishment under BCCL, so the dismissal of the workman from service of the Company by the OP/Management was quite proportionate to the grave nature of his misconduct, and it is legal and justified.

Considering the aforesaid facts after hearing the arguments of both parties, I find that the workman appears to have all along misrepresented as the son of Ex-workman Fagu Ahir, who stood his own uncle, with intent to get his compassionate employment in his place. It is a serious misconduct in the matter of employment as per the Certified Standing Orders of the Company applicable to its all employees; I am of the view that the dismissal of the workman for his aforesaid grave misconduct is quite proportionate to its nature.

In result, it is hereby awarded that the dismissal of Sri Ras Bihari Yadav from service by the Management of

Govindpur Colliery Area III of M/s. BCCL is quite legal and justified. Hence, the workman concerned is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 128/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं.एल-20012/564/2000-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 128/2001) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/564/2000- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 128 OF 2001.

PARTIES : The Secretary,
United Coal Workers Union,
PO: Toppo, Hazaribagh,

Vs.
Project Officer,
Tapin South Colliery of M/s. CCL,
PO: Tapin, Hazaribagh.

Ministry's Order No L-20012/564/2000
C-I dt.27.04.2001

APPEARANCES :

On behalf of the : Mr. C. S.Pathak,
workman/Union Union Representative

On behalf of the : Mr. Santosh Chandravesh
Management Management Representative

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 31st October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/564/2000 C-I dt.27.04.2001.

SCHEDULE

"Whether the nonpayment of L.T.C. and L.L.TC. for the Block year 1995-98 and 1999-2002 to the workman Sri Shyamlal B.P. by the Management of CCL, Tapin South Colliery is justified ? If not, to what relief is the workman entitled

On receipt of the Order No. L-20012/564/2000 C-I dt.27.04.2001 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.128 of 2001 was registered on 14.05.2001 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own representatives appeared in, and contested the case.

2. The case of the sponsoring Union for workman Shyamlal B.P. Clerk G.II/LDC is that he is an Office Bearer and very active member of the United Coal Workers Union (AITUC), so he has been victimized and harassed for his Trade Union activities particularly agitation against Coal Mafia. He had availed of leave from 6.4.1998 to 13.4.1998 for availing LTC for the block year 1995-98 as per the NCWA which was duly sanctioned. The leave wage for the period was paid, but the LTC bill having been submitted on 20.4.1998 was returned unreasonably. The workman again availed of the leave from 9.2.1999 to 22.2.1999 for availing LLTC for the block year 1999-2002 as per NCWA which is a condition of service. The leave salary was paid, but likewise the LLTC bill was refused arbitrarily. When the respective leaves had been sanctioned, and have been paid, there is no rule or authority to withhold or refuse LTC or LLTC Bills mala fide to cause him economic loss. Further with a view to victimize the workman, the O.P./Management out of conspiracy alleged a complaint against the workman as an imposter that there appears to be no such person as "M.Singh". It is prima facie fictitious complaint. The workman was antedatedly served with the charge sheet cum suspension order on 23.2.1999 by dating it as 8.2.1999. No supporting materials and relevant documents were provided despite the demand of the workman. Yet an

enquiry was ordered. Thus, the opportunity to reply the chargesheet passed. The Charge sheet was originally issued under Certified Standing Order. At the demand of its copy, it was modified as Model Standing Order which is legally a nullity, as the Certification of CCL Standing Order on 8.7.1991 was applicable to all the establishment of CCL. The alleged Model Standing Order was repealed. No proceeding can be held under the provision of the alleged Model Standing Order. The charge was clearly biased on Vigilance enquiry report. No supply of the relevant documents including the statement of witnesses to the delinquent workman is violative of the principle of natural justice. No Model Standing Order provides for appointment of a Management's Presenting Officer, who was highly Qualified and trained, whereas the representation of the delinquent through a legal practitioner was refused. So the alleged enquiry was merely a formality. The CCL Certified Standing Order provides for representation of the delinquent by Trade Union Official, but not for as Representing Officer or Management Representation. The Enquiry Officer was dictated by Vigilance Office who was appointed as the Presenting Officer. The Enquiry Officer was seriously biased, failing to work as Quasi Judicial Authority. No Co-worker of the workman was released to assist him. Unfair Labour Practice is punishable under provisions of Sec.25 U of the I.D.Act 1947. Thus it has been alleged for payment of LTC & LLTC for the relevant block years to the workman.

3. The Union Representative in the rejoinder for the workman has specifically denied all the allegations of the OP/Management, further alleging that LTC and LLTC are well established conditions of service not open to adverse change without compliance of provisions under Sec.9A of the I.D.Act, 1947. The Suspension Order Charge sheet are subsequent events having no retrospective effect as also represented in the written statement of the workman in the Ref No.185/2001. The identity of the workman was never in dispute at any time during service of over 25 long years under CCL. As admitted the LTC and LLTC that became legally due have been refused payment arbitrarily without hearing. No employer has absolute power to punish the workman without hearing. So the workman is entitled to payment for availed LTC and LLTC.

4. Adversely the case of the O.P./Management with categorical denials is that the alleged workman is an impersonator impersonating Late Shyamlal B.P. who was an employee of M/s CCL and died on 19.7.1976 at his native village Taldeori in Madhya Pradesh. The workman concerned fraudulently entered into the service of CCL at Tapin South Colliery by impersonating Late Shyamlal B.P. When the matter came to knowledge, the Management initiated the departmental proceeding against him and put him under suspension as per the Charge sheet-cum-Suspension Order dt.8.2.1991. On holding fair and proper domestic enquiry giving him full opportunity, the Management dismissed the workman from the services of the Management for his proved misconduct. As he failed

to prove his Identity. Since alleged workman is not real Shyamlal B.P., he is not entitled to receive any amount payable to Shyamlal B.P. The workman had proceeded on leave from 9.2.1999 to 22.2.1999, but to the next date of his being placed under suspension. Hence, the payment of LTC or LLTC does not arise. LLTC payment not effected, as disciplinary proceeding of severe nature was pending against the workman; lastly on proof of the charge, he was dismissed. The Union raised the present Industrial Dispute just to defeat the Departmental /Disciplinary proceeding initiated against him by the Management.

The O.P./Management in its rejoinder has categorically denied the allegations of alleged workman, and stated that the Office Bearer of a Trade Union has not been granted immunity by any law from the disciplinary proceeding, which was pending against the workman for the severe charge at the relevant time. He deliberately did not submit his reply. At the relevant time, the Model Standing Order was applicable in the establishment of the Management.

FINDING WITH REASON

5. In the instant reference, WWI Shyamlal B.P. on behalf of the Union and MWI Gautam Kumar Acharya, the General Mazdoor Cat.I at Tapin Project for the O.P./Management have been respectively examined.

Mr. C.S. Pathak, the Union Representative for the workman petitioner has to submit that petitioner Shyamlal B.P. was not paid the LTC and LLTC for Rs.5,508/- and Rs.10,224/- bill for the Block years 1995-98 and 1999-2002 respectively, though he had availed of the same with his sanctioned leaves, and the payments thereof were admittedly proceeded by the O.P./Management. According to him, the workman had taken due leave from 6.4.1998 to 13.4.98 duly sanctioned (Ext.M.1/1) and availed LTC; and he submitted the bill on 20.4.1998 (Ext.W.1) for its expenditure of Rs.5,588/-; likewise on his leave from 9.2.1999 to 22.2.1999 duly sanctioned as per Ext.M.1/2 for availing his sanctioned LLTC, he also claimed for the incurred expenditure Rs.10,224/- over it as processed by the O.P./Management as per Ext.W.2, but the O.P./Management has not paid off the due amount of the petitioner for his aforesaid availed leaves as per prevalent provisions of NCWA-V and VI respectively on the irrelevant ground that petitioner workman was served with charge sheet-cum-suspension letter just after return from LLTC on resumption on 23.2.1999; thus the claim of the workman petitioner for it is alleged to be justified.

Adversely the contention of Mr. Santosh Chandravesh, the Asstt. Manager (Pers.) as the Representative for the OP/Management is that none of the Bills as allegedly filed by the workman petitioner has been docketed in the office of the O.P./Management, that he has not referred to by which he had travelled; if he had stayed in 5-Star hotel in place of 3-star one, he would be entitled to payment only for his entitled stay at 3-Star Hotel which

would payable on production of his bill only. Mr. Chandraves for the O.P./Management submits that so far as the claim for LLTC from 9.2.1999 to 22.2.1999 total 13 days is concerned, it is unsustainable, as he was already suspended w.e.f. 8.2.1999; therefore, the workman/petitioner is not entitled to any relief.

On perusal and considerations of the materials available on the case record, I find that admittedly the workman/petitioner on his two applications dt. 2.4.98 and 21.1.1999 was granted his EL from 6.4.98 to 13.4.98 and 9.2.1999 to 22.2.1999 for his LTC and LLTC as evident from Ext.M.1 and 1/2 respectively. The LPC of the workman for the month of Feb.1999 (Ext.M.1) defies and unsubstantiates his suspension in Feb., 1999. But out of three documents, the affidavit as sworn by the workman on 5.5.2005 before the Execution Magistrate, Ranchi (Ext.W.3) as his evidence being his personal facts of the LTC and dismissal is unsustainable. But petitioner could not be able to prove whether he submitted in the office of the O.P./Management his bill for LTC Form M-A (Ext.W.2) along with Form D for the Block year 1999-2002 and details of fares claimed for both in the office. Out of these documents in original, the LTC for the said period 1995-98 (Ext.W.1) appears to show its processing up to the SOM/CM/TSC, but the words "Entry of S. Book is required " by the concerned Authority meant not fully passed or processed to its finality by the Dy.F.M./TSC and PO/TSC. Rest documents /Forms (Ext.W.2) are in the pen and signatures of the workman/petitioner. Not a single receipt of his factual travelling up and down has been produced and proved. These very facts of the workman/petitioner make his claim for payment LTC or LLTC totally vague.

In result, it is, in the terms of the reference, hereby responded and awarded that no payments of LTC & LLTC for the Block years 1995-98 and 1999-2002 to the workman Shyam Lal BP by the Management of CCL, Tapin South Colliery in lack of proof of his bills with requisites concerned having been submitted in the office of the O.P./Management is justified. The workman is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 88/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/60/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/60/2005- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Ref. No. 88 of 2005

PARTIES : The Exec. Member,
Bihar Colliery Kamgar Union,
Block-E, Sector II, Bhuli,
Qr. No. 483, P.O. Bhuli—D Block,
Dist : Dhanbad.

Vs.

Project Officer,
Incline Mines, Sudamdih of M/s BCCL,
PO: Sudamdih, Dhanbad.

Ministry's Order No. L-20012/60/2005-.IR
(C-I) dt.13.9.2005.

APPEARANCES :

On behalf of the workman/Union : Mr. A. K. Sharma
Ld. Adv.

On behalf of the Management : Mr. U. N. Lal
Ld. Adv.

State : Jharkhand

Industry : Coal

Dhanbad, the 31st October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/60/2005-IR (C-I) dt.13.09.2005.

SCHEDULE

"Whether the action of the Management of Incline Mine, Sudamdih of M/s. BCCL in dismissing Sri Sengrai Munda, working as D.C.P. w.e.f. 29.7.2004 is justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/60/2005-IR (C-I) dt.13.09.2005 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.88 of 2005 was registered on 06.10.2005 and

accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld.Counsels appeared in, and contested the case.

2. The case of sponsoring Union Bihar Colliery Kamgar Union (BCKU), Bhuli for workman Sengrai Munda is that he was a permanent employee of Incline Mine, Sudamdih, working as DCF under M/s. BCCL, P.O. Sudamdih, Distt. Dhanbad. He had been sincerely and punctually performing his duty under the management since his appointment on 12.1.1993. He was unable to attend his duty from 23.06.2001 due to unavoidable circumstances of his prolong sickness. So his dismissal by the Management w.e.f. 29.7.2004 is absolutely illegal and unjustified, as the entire family of the workman used to live at his native village, but he was living bachelor, and due to his sudden illness and being not in good condition, he could not personally informed the Management, though through his neighbour co-worker had informed the Management of it, and about his going to his native village for better treatment.

The Management charge sheeted the workman on 03.09.2001, but he could not replied to it, as he had got its copy. He had got only the letter dt.30.5.2002 from the Incline Mine about his unauthorized absentism from duty from 23.6.2001, a misconduct, wilful or habitual absence unreasonably under clause 26:1:1 of the Certified Standing Orders. But the workman submitted to have violated the standing orders of the Company. The fact and circumstances were too critical for him to personally inform. Just after the issuance of the charge sheet, the Management set up the domestic enquiry, by appointing Sri C.S.Dubey as the Enquiry Officer and Sri A.K.Singh, the Head Clerk as Management Representative respectively. But the workman had no knowledge of it. The enquiry was conducted in absence of the workman quite illegal and arbitrarily, as no chance was given to the workman for his defence. The Enquiry Officer had not followed the rules of law. The Management had no right to dismiss him without giving a chance for his defence. Hence the Industrial dispute after due consideration of the facts by the Government of India was referred for an adjudication.

3. Whereas the contra case of the O.P./Management is that the employer had submitted all the details of it in the Industrial Dispute raised by the Union concerned. Workman Singrai Munda, DCF at incline Mine, Sudamdih, was issued the charge sheet dt. 3.9.2001 through Regd. Post for his unauthorized absence w.e.f. 23.6.2001 under clause 26.1.2001 of the Certified Standing Orders of the Company. When no

reply to it was received, the Disciplinary Authority as per his decision got the matter enquired into by the Enquiry Officer by appointing him and the Management Representative as per Memo dt.01.10.2001. Despite three Notices for Enquiry on 16.10.2001, 15.1.2002 and 19.3.2002, the workman did not participate in it unreasonably, the enquiry was ex-parte held. The Enquiry Officer thereafter submitted his enquiry report to the Disciplinary Authority. The 2nd Show-Cause Notice along with a copy of the Enquiry report was issued to the workman for his response within 15 days. Lastly, the Disciplinary Authority as per his Order dt.25/29.7.2002 dismissed the workman after the approval of the Competent Authority as per the Note Sheet dt.10.7.2002, instructing the workman to collect his terminal benefits from the office after handing over the quarter and tools, if any, of the Company.

Previously, the workman was awarded with punishment of his increments stoppage as per the Office order No 1413 dt.7.4.2002 for his charge sheets dt.7.7.01 and 18.10.2000, as his last three years attendances were 88,121 and 51 days in the years 1999 to 2001 respectively. Ample opportunity was given to the workman for his defence in his case. On considering all the facts including the findings of the Enquiry Officer, the Disciplinary Authority rightly imposed on him the punishment of his dismissal for the proved charges of misconduct. So the action of the Management in dismissing the workman w.e.f. 24.7.2004 is quite fair and proper. Hence, he is not entitled to any relief.

The O.P./Management in their rejoinder has categorically denied all the allegations of the workman as incorrect, further alleging the workman to have received the 2nd Show Cause Notice/letter dt.30.6.2002 as evident from Para 9 of his written statement. Permission has been sought for adducing evidences on merits, if the enquiry found to be unfair at preliminary.

FINDINGS WITH REASONS

4. In the instant case of dismissal, on the evidence of the MWI Arun Kr.Singh for the O.P./Management at preliminary issue, but due to the failure of the workman in producing any evidence at it, it was found and held the domestic enquiry as fair and proper as per the Order No.41 dt.11.2.2014 of the Tribunal. So it has resulted in hearing the arguments of both the parties on merits.

Even at the eleventh hour, neither the Union Representative nor any one appeared to argue in spite of giving ample opportunity for it. At last, Mr.U.N.Lal, Learned Advocate for the O.P./Management submits that the workman has been a habitual absentee from duty unauthorisedly as vivid from his past record of the his service; so the action of the Management in dismissing the workman from the service of the Company is undoubtedly justified as well as legal, as the punishment of dismissal to the workman for his frequent misconduct of habitual absentism is proper and proportionate to the nature

of his habitual misconduct; therefore, the workman is not entitled to any relief.

On perusal and due consideration of the materials on the case record, I find that the workman has been accustomed to habitual absentism unauthorizedly as his previous record of his service stands, so I am of the view that the punishment of dismissal awarded to the workman for his habitual conduct of will full absentism appears to be quite just and proper. The Labour Law never recognizes any relaxation in favour of willful habitual absentee workman in the industry of Coal where its production totally depends upon the work of a workman.

In result, it is, in the terms of the reference, hereby responded and accordingly awarded that the action of the Management of Incline Mine, Sudamdih of M/s BCCL in dismissing Sri Sengrai Munda, working as D.C.P.w.e.f.29.7.04 is absolutely justified. Hence, the workman concerned is not entitled to any relief except to the Gratuity and other terminal benefits on his application to the O.P./Management.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 116/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/265/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 116/1997) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/265/1996-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 116 OF 1997

PARTIES : The President,
Rashtriya Colliery Mazdoor Sangh,
Rajender Path, Dhanbad.

Vs.

Chief General Manager,
Block II Area of M/s. BCCL,
PO: Nawagarh, Dhanbad

Ministry's Order No L-20012/265/96-
IR(C-I) dt. 24.10.1997

APPEARANCES :

On behalf of the : Mr. O.P. Verma, Ld. Advocate
workman/Union

On behalf of the : Mr. D. K. Verma, Ld. Advocate
Management

State : Jharkhand Industry : Coal
Dhanbad, the 27th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/265/96-IR(C-I) dt.24.10.1997.

SCHEDULE

"Whether the action of the General Manager, Block II Area of M/s BCCL in denying to regularise the services of Shri Satish Kumar Verma, Underground Munshi as Loading Supdt./inspector with full benefits is justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. 20012/265/96-IR(C-I) dt.24.10.1997 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.116 of 1997 was registered on 20.11.1997 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of workman Satish Kumar Verma as sponsored by the Rashtriya Colliery Mazdoor Sangh is that he had been working as Underground Munshi since his appointment in the year 1981 at Govindpur Colliery under Govindpur Area of M/s BCCL. Due to his sincerity and

honesty, on his deputation by the Management for the job of Loading Supervisor in Road Sales Dispatch Department on 26.8.1986, since then, he has been continuously performing his duty till April, 1994. Even on his transfer to Block II Area at B Nudkharkee Colliery as informed by the Area Personal Manager of Govindpur Colliery through the letter No.GM/Ar III/PD/Date 14/15.4.1995 to the Personnel Manager of Block II Area, the workman has been performing the same job. The Management of Nudkharkee OCP had confirmed his demand for regularization and had for further necessary action as per the letter dt.5/4th June, 1996 of the Project Officer to the Personnel Manager, Block II Area. The Union had also demanded for his regularization in the post of the Loading Supervisor with other benefit as per the decision of JBCCI/NCWA. Lastly an Industrial Dispute was raised by the Union before the ALC®, Dhanbad, but the failure of conciliation on the part of the Management despite the ability and experience of the workman as the Loading Supervisor /Inspector finally resulted in the reference for an adjudication. The Tenure of the workman performing the job as assigned as the Loading Supervisor/ Inspection was more than 11 years. So it is alleged that the workman is legally entitled to regularization on the post of the Loading Supervisor/Inspector with full back wages and other benefits as per its proper pay scale since 26.6.1986.

3. In the rejoinder filed by Mr.O.P.Verma, the Learned Advocate for the workman, all the allegations of the O.P./ Management have been specifically denied as incorrect, further alleging that the Experience Certificate to that effect was also issued by the Dy.CM.E./Agent of Govindpur Colliery to the workman who has a Bachelor Degree fin/ Ranchi University. Though he is at present a clerk in Grade I Scale. The Competent Authority has time to time also regularized Sr.Clerk Grade Special (in several Section as Sri Aghanu Ram on the post of Loading Supervisor/ Inspector). There is no need for any vacancy for the regularization. The Management of Block II has transferred to workman to Benedih Weight age as U.G.Munshi working as Loading Supervisor; and the L.P.C. and Identification Certificate have been issued by the Management in his favour. So the workman's claim for it is genuine and legal.

4. Whereas the case of the O.P./Management with specific denials is that there is no rule to regularization on the Underground Munshi as the Loading Supervisor/ Inspector. As per the JBCCI circular No. 38 dt. 25.9.1984 Annexure III-3 Cadres Scheme has been incorporated for the Loading personnel. According to it, any permanent employee with Matriculation or equalvent Certificate duly granted by any University or Board of examination can be selected as Assistant Loading Clerk in Clerical Grade III by the Selection Committee. All eligible candidates of requisite qualifications working in all the collieries of the Area are given equal opportunity. The promotion from Asstt. Loading Clerk with requisite experience can be made to the post of the Loading Clerk Grade II on the recommendation of the DPC. The Loading Clerk with the minimum 3 years of working experience in Grade II is promoted to the post of

Asstt. Loading Inspector/Asstt. Loading Superintendent in Technical and Supervisory Grade C who gets promotion to that of the Loading Inspector/Loading Supervisory Grade B after minimum five years service as Asstt.Loading Inspector. Thus the eligibility criteria fixed in the Cadre Scheme can not be abrogated by an officer of the Company. So an Underground Munshi either in Clerk Grade III or Grade II can not be directly eligible for promotion as the Loading Inspector/Loading Superintendent in Tech. & Supervisory Grade B. The JBCCI circular strictly prohibits any favourtism of an officer or the Agent of the Colliery in collusion with some leaders towards there selective workers in the matter of promotion. As such the present demand of the workman for regularizations sponsored by the Union is quite unfair.

The O.P./Management in their rejoinder has categorically denied all the allegations of the workman as concoctions and incorrect. The workman is not entitled to any relief.

FINDING WITH REASONS

5. In the reference WWI Satish Kumar Verma, the workman on behalf of the union concerned and MWI Benedit Xalxo, Sr.Manger (Pers), Block II OCP, Baghmara for the OP/Management have been respectively examined.

In the instant reference on perusal of the material available on the case record, it appears to he no dispute that the workman was initially appointed as M/Loader at Govindpur Colliery in the year 1981. It can not be denied that the post of the Loading Supervisor in T & S Grade B is very senior post. Between the Loading clerk and the Loading Supervisor there are many posts Loading Clerk Gr.II, Asstt.Loading Inspector and the Loading Inspector. The indisputable facts are that the work of the workman as Munshi was in the underground as contrasted with the Loading work which is done at Colliery dept, Railway sidings as well as road side on the surface. The workman has admitted that on the Weight Bridge, the weight of the loaded and unloaded vehicles are recorded; accordingly no questions about the duty of the Loading Supervisor there. The workman also undoubtedly appears to have admitted in his cross examination that the Management had not issued any order for transfer from the underground to work as the Loading Supervisor on the road Side.

Mr. O. P. Verma, the Ld. Counsel for the workman has submitted the workman by virtue of the office order (dt.25.6.1986)(Ext.W.1 with objection) has been though designated as the Munshi, yet working for 18 years as Loading Supervisor all along in different Collieries of the O.P./Management as evident from his documents: the transfer Orders (Ext. W.4,5) the four letters of the Project Officers concerned (Ext.W.8 -8/1) and the LPC issued by the Personnel Manager, Block II OCP (Ext.W.9) respectively, but despite his several representations as per his carbon copy letter dt.01.02.1995 (Ext.W.3) to the Project Officer of Nudkharkee Colliery, he was not regularized as the Loading

Supervisor, so he is entitled to it. The Learned Counsel Mr. Verma has based his argument upon the ruling of the Hon'ble High Court, Jhrkhand, referring L.P.A.179/2012, Employer-Management of Rajhara Colliery M/s BCCL Vs. President Rajhara Colliery Mazdoor Sangh, wherein 287 casual Wagon Loaders were ordered by the Tribunal concerned to be regularized as permanent workmen, as they were working as casual wagon Loaders for more than three decades, and since other similarly situated workers were earlier regularized. So the Hon'ble High Court was pleased to uphold the order passed by the Tribunal, directing appellant Management to regularize them as justified. (Para 2, 37).

On the other hand, the polite contention of Mr. D. K. Verma, Ld. Advocate for the O.P./ Management is that in the terms of the reference under an adjudication firstly the Reference itself is vague as claimed for regularization as Loading Supervisor/Inspector, because admittedly the workman was never selected for either of the two posts; the application of the workman (Ext.W.1 with objection) for seeking permissions to work in the Road Sale which was allowed his claim is based on is not an authority for working in Loading Section in which the highest post is the Loading Supervisor. The very admission of the workman is that the Management except the purported authority never issued any authority to him to work as Loading Supervisor. Moreover, no person can be selected except through the D.P.C. for the post of the Loading Supervisor as per the Cadre Scheme. It is settled law as held by the Hon'ble Apex court in the case of Secy.State of Karnataka Vs. Uma Devi (2006)(3)SSC (L & S) 753 that over constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure the unequals are not treated as equals; thus any public employment has to be in terms of the Constitutional Scheme. Adherence to Articles 14 and 16 of the constitution is a must in the process of public employment. Long continuance of such employees on irregular basis in public employment, if violated, they can not claim to be treated on par with those who have been regularly recruited on the basis of the relevant rules. (Para 1 and 48).

Having heard both the learned Counsel for the respective parties, and on perusal and considerations of the materials available on the case record, I find that the workman prima facie appears to have himself sought on his own application dt. 26.6.1986 (date digit 6 over written as 5) for permission to work as Road Sale Dispatch from 26.6.1986 as ordered by the Agent concerned (Ext.W.1) which is virtually no authority for working as the Loading Inspector. Only designation of the Loading Inspector as noted and added to the inherent post of UG Munshi of the workman as per his few relevant documents can not confer on the workman any right to claim his regularization. The official letter dt.22/25.2.96 of the Project Officer concerned (Ext.W.8/1) proved that the workman had got his Grade (I)

from 01.07.1995 under SLU. His Ext.W-9 is not his LPC, rather it is his Identification Certificate with illegible date on his transfer. In such situation, the argument of Mr. D.K.Verma, Ld.Counsel for OP./Management appears to outweigh that of Mr.O.P.Verma, Ld.Counsel for the workman whose cited ruling being mark off the point holds not good with the factum of the reference case. In the light of the findings, it stands clear that the case of the workman is absolutely concocted and baseless.

In result, it is hereby in the terms of the reference, responded and accordingly awarded that the action of the General Manager, Block II Area of M/s. BCCL in denying to regularize the services of Shri Satish Kumar Verma, Under Ground Munshi as Loading Supervisor/Inspector with full benefits is quite justified as well as legal. The workman concerned is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (48/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/15/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 48/2009 of the Cent. Govt. Indus.Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/15/2009- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH

Case No. ID 48 of 2009. Reference No. L-12012/15/2009-IR(B-II) dated 18.08.2009.

Sh. Taranbir Singh S/o Sh. Sardar Surjeet Singh, House No.397, Phase-2, 2nd Floor, Mohali(Chandigarh).

...Workman

Versus

1. The General Manager, Northern Zone, Bank of Baroda, Zonal Office, Bank of Baroda Building, 16-Sansad Marg, New Delhi.

...Respondent

Appearances

For the Workman : Sh. P.K.Longia Advocate.

For the Management: On the date of argument none appeared for Management;

Award Dated:-07.11.2014

Government of India Ministry of Labour vide notification No. L-12012/15/2009-IR(B-II)dated 18.08.2009 has referred the following dispute to this Tribunal for adjudication:

Term of Reference:

"Whether the action of the Management of Bank of Baroda in imposing a penalty of 'Removal from Bank's service without disqualification for future employment' on Sh. Taranbir Singh is legal and justified? What relief the workman is entitled to?"

2. Workman in the claim statement submitted that he was appointed in the Traders Bank Ltd. on 13.02.1983 at Delhi. Later on the Bank merged in the Bank of Baroda. In the June, 2000 some of the relatives of the workman made complaint against him to the bank and to the SSP Ludhiana. Those complaints were investigated into by SSP Ludhiana and finding no substance the same were dropped. The business as alleged by the relatives of the workman was actually promoted by the wife of the workman independently and due to heavy losses in the business by his wife, she went into depression and for that reason she was not to be left alone for a second and workman was also upset due to her illness. The workman reluctantly intervened with the persons involved in her business. The children of the workman were aged 13 and 9 years respectively and the workman had to spent time for his family due to the condition of his wife. The workman was also fell ill and remained under treatment of a specialist at Faridabad for four months together and during this period the relatives complained against the workman to the bank authorities whereas the wife of the workman was running the business independently. The workman never used the name of the bank or misused his official position and there was no financial lose to the bank and no party had involved of the bank in any case. Vide order dated 11.08.2001 the workman was removed from service.

3. The workman was charge sheeted on 14.05.2001 containing a stipulation that the departmental inquiry would be held and inquiry officer Sh. A.K.Sodhi was appointed for conducting departmental inquiry. This order appointing the inquiry officer was also included in the charge sheet. The management meanwhile issued circular dated 14.12.2000 calling upon the employees for seeking voluntary retirement under the scheme which contain certain

additional incentive over and above the usual terminal dues. The workman applied under the said scheme for voluntary retirement vide application dated 14.02.2001 but the same was rejected by the management vide letter dated 25.04.2001 on the ground of contemplated disciplinary proceeding. The workman filed appeal against the decision of refusing the voluntary retirement. It is further pleaded by the workman that after receipt of charge-sheet dated 14.05.2001 he became apprehensive that appellate authority would not allow the workman for voluntary retirement and workman persuaded the matter through his union representative Sh. M.M.K. Joshi. The aforesaid representative of the union learnt that if the workman did not drag on departmental inquiry and got it concluded even if by admitting the guilt, the offer of workman for voluntary retirement could be considered on the conclusion of the departmental proceeding. Accordingly without contesting, the workman requested the investigating officer to advance the inquiry from 25.05.2001 to 22.05.2001 on which date the workman appeared before the investigating officer and admitted the charge sheet writing on the charge-sheet accepted against each and every charge/allegations because of the anxiety of the workman to get the proceeding concluded at the earliest which according to the workman, an understanding conveyed to the workman between the union and the management would have entitled workman to have his offer to the voluntary retirement considered by the management favourably. Due to this reason the departmental inquiry was concluded in few minutes and inquiry officer gave his finding holding the charges proved. It is also brought to his notice that the presenting officer did not produced his evidence neither documentary nor oral and word written has accepted against each and every allegation by the workman was sufficient. The workman was further called upon to give his comments on the finding dated 22.05.2001. The disciplinary authority proposed the punishment of removal from service without disqualification for future employment on 27.06.2001. The appeal of the workman against decision of refusing to entertain the offer of the workman seeking voluntary retirement from the service on 12.05.2001 was dismissed on 20.07.2001. The workman's submission dated 26.07.2001 against the proposed punishment of removal from service precisely stated that indirect acceptance of the allegation was procured from the workman on the solemn assurance that the services of the workman will not be dispensed with and such type of assurance in the circumstances does not amount to confession of guilt on the part of the workman and bank management facilitated their designing removing the workman from service on the ground of alleged acceptance of the charges by the workman. It is submitted by the workman that he accepted the charges on the assurances that he would be allowed to avail of the voluntary retirement in view of his earlier conclusion of departmental proceeding. The appeal against the order of the disciplinary authority was also rejected. It is prayed by the workman that the punishment imposed was not based on material on record

and it is a case of denial of opportunity of hearing and condemning the workman without hearing. It is prayed that punishment of removal from service may kindly be set aside and the workman may be ordered to be reinstated in service with all consequential benefits.

4. Written statement filed by the management. Preliminary objection has been taken that workman holding all position of trust where honesty and integrity are inbuilt requirements of functioning and the punishment is commensurate to the gravity of the misconduct committed by the workman. On merits the management submitted that the workman committed gross misconduct and on the basis of facts and material available disciplinary proceeding initiated against the workman vide charge sheet dated 14.01.2001 which contain the following charges:-

"It has been reported against you as under:-

1. That you have been running an investment company by name of "R.K. Investments" and a Lucky Draw Scheme by name of "Abchal Lucky Scheme", with both having their offices at 1160 Phase-I, Urban Estate, Dugri Road, Ludhiana. That the following corroborative facts substantiate that the aforesaid "R.K.Investments" and "Abchal Lucky Scheme" are run by you.

(a) The offices of "R.K.Investments" and "Abchal Lucky Scheme" are situated at 1160, Phase-I, Urban Estate, Durgi Road, Ludhiana, which happens to be your residence.

(b) The visiting card of "R.K.Investments" showing it to be dealing in LIC, UTI, Shares, Mutual funds bears your name as :T.S.Oberoi:, which shows that you are the proprietor/principle functionary of the company.

(c) A news report was carried by "The Indian Express" dated 6.6.2000 in its Punjab News Line Section, with heading as "Bank Employee dupes residents of Rs.1 Cr.". In the said news report it was stated that the Computer Operator of Focal point branch of Bank of Baroda (who happens to be you) has duped several people of nearby Rs.1 Cr. by floating lucky schemes. Another news report was carried in a Hindi news Paper stating that you have duped people of Rs.72000/-.

(d) The bank has received complaints made by various persons as detailed below wherein it has been stated that you have lured them to join the lucky draw schemes run by you and on maturity of the schemes you have defaulted in payment. It has also been complained that in respect of money owed by you to the complainants you had issued them cheques which have bounced.

(i) Complaint dated 31.03.2000 given to Chief Manager, SSI branch, Ludhiana by Mr.Gurdeep Singh, Mrs. Arashbir Kaur, Mr.Ajit Pal Singh. Mrs.Rajinder Kaur, all residents of 212-E, BRS Nagar, Ludhiana.

(ii) Complaint dated (Nil) sent to Sr.Supt. of Police, Ludhiana by Mrs. Arashbir Kaur and Mr.Ajit Pal Singh.

(iii) Complaint dated 26.4.2000 sent to Asstt.Gen.Manager, Bank of Baroda, Chandigarh by Mrs.Arashbir Kaur.

(iv) Complaint dated (Nil) given to Chief Manager, SSI Branch, Ludhiana by 11 persons including one Mr. Parmod Madaan, Madaan Shocker Repair, 378-Bhai Bala Chowk, Ferozepur Road, Ludhiana-141002.

(v) Another complaint dated 'Nil' sent to the Chief Manager, SSI Branch, Ludhiana by Mr. Paramod Madaan with copies endorsed to various authorities.

(e) The aforesaid complainants have sent to the bank, copies of pass books of "Abchal Lucky Scheme" issued to various persons as detailed below, which have been filed by you. The fact that you have filled the lucky draw scheme pass books evidences that the said lucky draw schemes were run by you.

Pass book of "Abchal Enterprises":-

(i) Sarabjit Singh Namdghar, Membership No.-42

Pass Books of "Abchal Lucky Schemes No.-2

1. Mr. Saurabh Chhabra	Membership No.-36
2. Mr. Subhash Madaan	Membership No.-79
3. Mr. Shakti Mehendru	Membership No.-124
4. Mr. Iqbal	Membership No.-176
5. M/s. Taveen Investmtnes	Membership No.-101
6. M/s. Taveen Investments	Membership No.-163
7. M/s. Taveen Investments	Membership No.-17
8. M/s. Taveen Investments	Membership No.-71
9. Mr. Gurdip Singh	Membership No.-8
10. Mrs. Arshbir Kaur	Membership No.-34
11. Mrs. Rajinder Kaur	Membership No.-136
12. Mr. Ajit Pal Singh	Membership No.-56

(f) legal notices were issued to you on behalf of Mr.Gurdeep Singh, Mr. Ajit Pal Singh. Mrs. Arashbir Kaur & Mrs. Rajinder Kaur demanding payment of overdue amounts. There have been exchange of legal notices between you and several other persons making claims and counter claims of money owed. All these show that you are engaged in financial dealings with several persons.

(g) You had issued seven cheques bearing No.145001 to 145007 drawn on your OD A/C/ No.65003 to third parties and subsequently you have given stop payment instructions to the bank in respect of the same. It shows that you are involved in financial dealings with various persons and owe them huge amount.

(h) You had taken loan of Rs. 170000/- on 15.5.1999 and Rs. 75000/- on 26.8.1999 from one Mr. Parmod Madaan of M/s Madaan Shocker Repair, 578-Bhai Bala Chowk, Ferozepur Road, Ludhiana-141002 which shows that you are dealing in financial matters and incurring heavy indebtedness.

(i) Another complainant, Mr. Anil Narang has alleged that you have defaulted in payment of Rs.683250/-(Rupees six lakh eighty three thousand two hundred fifty only).

You are, therefore, charged as under"-

(i) By running investment company/lucky draw scheme, you have engaged yourself in business/gainful activities out side the scope of your duties which constitutes "Gross Misconduct" under Clause 19.5(a) of the Bipartite Settlement.

(ii) By luring the public to invest in investment company and lucky draw schemes floated by you and duping them subsequently which has resulted in the said duped persons complaining to the bank and adverse newspaper reports, you have committed acts prejudicial to the interest of the bank, which constitutes "Gross Misconduct" under Clause 19.5 of the Bipartite Settlement.

(iii) By incurring huge indebtedness from various persons, you have committed acts which constitute "Minor Misconduct" under Clause 19.7(1) of the Bipartite Settlement.

The enquiry will be conducted by Mr. A.K. Sodhi, Sr. Branch Manager, Samrala Road, Ludhiana branch who will advise you the date, time and place of enquiry.

You may give your written statement in your defence to the enquiry officer atleast 3 days before the date of enquiry."

You will be permitted to be defended by a Representative of a Registered Trade Union of Bank Employees of which you are member on the date first notified for the commencement of enquiry and if you are not a member of any Trade union of Bank employees on the aforesaid date, by a representative of registered trade union of employees of the bank in which you are employed.

You will be allowed to produce your evidence to examine witnesses in your defence and to cross-examine the witnesses brought by the bank against you at the time of enquiry."

5. It is submitted by the management that workman was running an investment company under the name and style of M/s. R.K. Investment and Lucky Draw Scheme in the name of "Abchal Lucky Scheme" and its office was situated at 1160 Urban Estate, Phase-I, Durgi Road Ludhiana, which happened to be the residence of the workman. Inquiry was initiated and workman was given full opportunity to defend himself before the inquiry officer. He engaged his defence representative of his choice Sh. Raj Kumar Sharma and his request was allowed by the inquiry officer. Charges were read over to the workman and workman unconditionally and without reservation in the presence of his defence representative accepted all the allegations contained in the charge sheet. The competent authority sent inquiry report to the workman for the comments on the same. The workman submitted his

comments after availing numerous extensions. The disciplinary authority after considering all the relevant record, findings of the inquiry officer and written submission made by the workman proposed the punishment of removal from bank service without disqualification for futures employment and also provided opportunity of personal hearing on the said proposed punishment. On 30.7.2001 the workman along with his defence representative attended the personal hearing and after applying its mind the disciplinary authority imposed the punishment of removal from service without disqualification for future employment. Workman filed appeal against the order dated 11.8.2001 of the disciplinary authority and appellate authority also provided personal hearing to the workman and after duly taken into consideration submission made by the workman rejected the appeal of the workman. The workman was provided full opportunity during inquiry proceedings and workman voluntarily without any pressure or coercion, admitted all the charges and the disciplinary authority also provided him opportunity of personal hearing and inquiry proceeding were conducted in fair and proper manner adhering to the principle of natural justice.

6. It is further pleaded by the management that workman applied for the voluntary retirement and the same was rejected by the competent authority on the ground that disciplinary proceedings against the workman were contemplated vide order dated 25.4.2001. It is further pleaded that at the time of introduction of voluntary retirement scheme vide circular dated 14.12.2000 disciplinary proceeding were contemplated against the workman regarding his fraudulent activities and under these circumstances request of the workman for voluntary retirement was illegal and unjustified. As regard the claim of the workman that there was some understanding it is totally denied by the management. The submissions of the workman in this regard are false, concocted, and baseless and have no iota of truth. It is specifically pleaded by the management that there was no assurance as such the question of taking lenient view does not arise and allegation of the workman are frivolous and far from truth. It is further pleaded by the management that a sum of Rs. 2,99,712.02 on account of provident fund was received from head office of the bank towards the terminal dues of the workman and the bank adjusted the recovery of outstanding balance in loan account of the workman and the balance was credited to the SB account of the workman. The workman was also paid the gratuity amount on 15.2.2005 in his saving bank account. It is prayed that the claim is devoid of merit and deserves to be dismissed with cost.

7. In evidence, workman filed his affidavit and also examined two witnesses Sh. M. M. K. Joshi WW1, Sh. Rajesh Kumar, WW2 and himself examined as W3 in evidence. The management in evidence examined MW1 Sh. K.S Simar, MW2 B.B.Garg who categorically stated in cross-examination that he had never given any assurance to the union representative Sh. Joshi for taking a lenient view.

8. I have heard the parties and gone through the record of the case. The first point to be determined in this case is whether the inquiry was conducted in fair and proper manner adhering to the principle of natural justice? From the record it is revealed that the workman on the first date of hearing, charges were read over to him in the presence of him defence representative Sh.Sharma. The workman admitted all the charges without any pressure coercion by writing on the charge sheet it self on 22.5.2001 as under:-

"I hereby accept all the charges levied vide charge sheet No.PB:PD:STF661/1358 dated 14.5.2001. I am accepting the charges without any pressure, fear, commitment. I am accepting the charges of my own having fully read and understood the same."

9. The inquiry was concluded on that very day in view of the admission of the charges by the workman. There is nothing on the record to show that the workman raised any objection by taking any plea that he was not being afforded opportunity of defence during inquiry before the disciplinary authority/appellate authority. It is not the case of the workman that there was any pressure exaggerated on the workman to admit the charges before the inquiry officer. It is settled principle of law that admitted facts need not to be proved. I draw support from the judgment of the Hon'ble Supreme Court in case of L.K.Verma Vs. HMT Ltd & oths. reported in 2006(1) SCT page 601. In this judgment it is held that things admitted need not be proved and the findings on the basis of admission cannot be questioned on the ground of availability of no evidence. Therefore, as the workman admitted the charges voluntarily and without any pressure from any side, therefore, later on the workman cannot take this plea that inquiry was not held fair and proper. The workman failed to prove that the inquiry was held against the workman without giving him the opportunity of defence rather the charges were admitted by the workman in the presence of his defence representative Sh.Sharma. Therefore, finding no infirmity in the inquiry, it is held that inquiry was conducted fairly, properly and in accordance with the principle of natural justice.

10. The next point to be determined is that whether any assurance was given to the workman that his voluntary retirement would be accepted and he would be allowed VRS as per the scheme. It is pleaded by the workman that he has been assured through his union representative Sh. M.M.K Joshi that if he admits the charges, lenient view would be taken. To this effect the workman produced Sh. M.M.K. Joshi in the witness box as his witness as W1. But no where it is proved that any assurance was given to Mr. Joshi and there is no evidence of any assurance given to the workman.

11. As regard the plea of the workman that punishment is not commensurate with the gravity of misconduct is concerned. The workman was charge sheeted for gross misconduct as mentioned in the charge sheet and it is settled principle of law that a person holding the

position of trust especially in the banking industry where honesty and integrity are in built requirement for proper and smooth functioning and in the case in hand the workman admitted all the misconduct attributed to him by writing on all the four pages of charge sheet and specific writing on the charge sheet mentioned above.

12. Banking business runs on the faith and confidence of the general public. If this faith and confidence is shaken by the misconduct of the employee of the bank, certainly the bank earns bad reputation. In the present circumstances, the punishment awarded by the management is commensurate to the misconduct committed by the workman. Consequently the workman is not entitled to any relief.

13. The reference is answered accordingly. Central Govt. be informed. Soft as well as hard copy be sent to the Govt. for publication.

Chandigarh

07-11-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंडिया कार्पोरेशन लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-34012/3/2005-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. South India Corporation Ltd., and their workmen, received by the Central Government on 02/12/2014.

[No. L-34012/3/2005-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT: Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 3rd day of July, 2014

INDUSTRIAL DISPUTE No. 25/2006**Between:**

The General Secretary,
Visakhapatnam Port and
Dock Mazdoor Sangh,
H. No.53-20-2/1, Chaitanyanagar,
Visakhapatnam - 530 013

...Petitioner

AND

The Manager,
M/s. South India Corporation Ltd.,
'Rani Meyammai Building'
14-1-54, Naroji Road,
Maharanipeta,
Daspalla Hills,
Visakhapatnam - 530002

...Respondent

Appearances:

For the Petitioner : Sri K. Bala Krishna (Died)
For the Respondent : M/s. Ch. Sanjeeva Rao &
Ch. Syamasundara Rao,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34012/3/2005-IR(B-II) dated 15.2.2006 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. South India Corporation Ltd., and their workman. The reference is,

SCHEDULE

"Whether the demand of the Visakhapatnam Port & Dock Mazdoor Sangh for payment of retrenchment Compensation amount to their member workmen viz. S/Sh. V. Lakshmana Rao and 7 others, Ex-Rowing Boat Workers (as per the list), according to their eligibility, by the management of M/s. South India Corporation Ltd., Visakhapatnam is legal and/or justified? If not, to what relief the concerned union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 25/2006 and notices were issued to the parties concerned.

2. Petitioner union filed claim statement stating therein all the eight workmen were removed by the management without assigning any reason. These workmen are permanent employees as such, they are entitled for retrenchment compensation. Hence, the management be directed to pay the retrenchment compensation to each individual applicant workmen in accordance with the length of their service @ 15 days average for every completed year of service or any part thereof in excess of six months and costs of the Petition.

3. Respondent management filed counter stating that whenever necessitates they used to engage workmen on casual basis and used to pay daily wages to the rowing boat workers as per the bill raised by them for number of days worked. Respondent management have hired the rowing boats which have independent owners. The owner employed the crew as per his wish and convenience. There is no employee-employer relationship between the applicant workmen and the Respondent management, as such the claim is not maintainable under law and the ID shall be dismissed in limine.

4. To substantiate their contentions Chief examination affidavit of WW1 filed. But WW1 is not produced for cross-examination inspite of giving fair opportunity. Hence, the said evidence can not be considered as evidence at all.

5. At this stage, Petitioner called absent. No representation. In spite of giving fair opportunity again and again Petitioner is not taking any interest in the proceedings. In the circumstances, taking that Petitioner got no interest to pursue the claim, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 3rd day of July, 2014.

M. VIJAYALAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ सं. 35/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12011/48/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2012)

of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 02/12/2014.

[No. L-12011/48/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/35 of 2012

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF MAHARASHTRA

The Assistant General Manager
Bank of Maharashtra
Solapur Region
Solapur (MS).

AND

THEIR WORKMEN.

The President
Bank of Maharashtra Employees Union
Phaltan Galli Branch
Solapur (MS).

APPEARANCES :

FOR THE EMPLOYER : Mr. M.B. Anchan, Advocate.

FOR THE WORKMEN : No appearance.

Mumbai, dated the 10th October, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-12011/48/201-IR (B-II), dated 09.07.2012 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of Maharashtra in terminating the services of S/Shri Haridas Sawant and Gurappa H. Bodake w.e.f. 20/02/2008 and 27/02/2008 is legal and justified? What relief the workmen are entitled to?"

2. After receipt of the reference from Ministry of Labour & Employment, both the parties were served with notice. Nobody on behalf of the union appeared before this Tribunal even after several adjournments. Fresh notice was issued to second party union vide Ex-7. Acknowledgement to that effect is at Ex-8. The second party union has neither approached this Tribunal nor filed statement of claim. Since there is no statement of claim on record, therefore, this

reference cannot be decided on merits and the same deserves to be dismissed for want of prosecution. Thus I proceed to pass the following order:

ORDER

Reference stands dismissed for want of prosecution.

Date: 10.10.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 21/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/52/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/52/2008-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Smt. M. VIJAYALAKSHMI, Presiding Officer

Dated the 30th day of October, 2014

INDUSTRIAL DISPUTE No. 21/2008

Between:

Sri Ravela George,
S/o Ananda Rao,
R/o D. No. 18-4-91/A,
Islipet, Tenali - 522201.

...Petitioner

AND

The Manager,
Bank of India,
Nuthakki Branch, Mangalagiri (M),
Guntur District.
Andhra Pradesh.

...Respondent

Appearances:

For the Petitioner : Sri M. Pitchaiah, Advocate

For the Respondent : Party in person

AWARD

Vide the proceeding No. L-12012/52/2008-IR(B-II) dated 24.9.2008 the Government of India, Ministry of Labour and Employment, New Delhi made a reference to this Tribunal requiring this Tribunal to give its award on the question,

"Whether the action of the Management of Bank of India, Nuthakki Branch in terminating the services of Shri R. George, Ex.Cashier-cum-clerk with effect from 30.3.2005 is justified? What relief the workman is entitled to?"

On receiving the said reference this Tribunal issued notices to both the parties and secured their presence before it.

2. The workman has filed his claim statement with the averments in brief as follows:

While the workman was working as cashier in Nuthakki, Mangalagiri Mandal, Guntur district, chargesheet dated 1.6.2004 was issued against him alleging that on 5.7.2003, a customer by name Sri B. Ravi Kumar Reddy, holding SB A/c No.8575 at Nuthakki branch, brought cash to the branch for depositing his account as he was late, he approached the workman that the workman advised the customer to come on the next working day, that then the customer approached the Branch Manager, who instructed the workman to accept the cash as late cash to be accounted on 7.7.2003 that the customer came to the workman along with the cash and pay-in-slip, and reported that the amount deposited by him was Rs.1,85,000/- and it was recorded as Rs.1,80,000/-. That the workman admitted that he altered the denomination changing the figures from Rs.185000/- to Rs.180000/- and after a week thereafter the workman approached the customer promising that he would pay Rs.5000/- and paid the same to him on 28.7.2003 with a request to him not to complain to the Manager and that it amounts to tampering of bank record and an attempt to misappropriation. The workman has submitted his explanation denying the charges and stating true state of affairs. But without even waiting for the said explanation a regular Departmental enquiry was ordered appointing an Enquiry Officer which show that the Manager, Bank of India, Nuthakki branch, decided to punish the workman and enacted a drama of domestic enquiry. The enquiry was conducted without complying with the principles of natural justice. The documents relevant are not supplied to the workman. The findings of the Enquiry Officer are perverse and baseless. Basing on such findings the Zonal Manager, Visakhapatnam issued notice dated 1.3.2005 asking the workman to show cause as to why he should not be compulsorily retired from service as the charges levelled against him stood proved. Thereafter, without taking into

account of the version of the workman the Zonal Manager, Visakhapatnam issued proceeding dated 30.3.2005 ordering compulsory retirement of the workman. The customer mentioned the amount as Rs.180000/- on front portion of SB Voucher in figures and words. Subsequently it was detected that an excess cash of Rs.5000/- was lying and the customer was intimidated by phone immediately by the workman asking him to collect Rs.5000/-. He came some time later and took the cash. Thus, there is no misappropriation. It does not amount tampering of records. The workman has corrected on the voucher by putting the figure Rs.185000/- in the denomination column. The Zonal Manager, Visakhapatnam is not competent to remove the workman from service as his appointment authority is Zonal Manager, Bank of India, Hyderabad. It appears that there is delegation of powers conferred on the Manager, Bank of India, Nuthakki from the Zonal Manager, Hyderabad. It is bad in law since, the same is hit by doctrine of "Delegatus proteles, non delegary" i.e., delegatee can not further delgate. Punishment imposed is not consistent with the circulars issued by the Management bank and settlements entered into with the recognised trade unions. Thus, the same is arbitrary, illegal, malafide colourable exercise of power and unfair labour practice, discriminatory, unjustified and opposed to principles of natural justice. Petitioner workman who is to maintain his family consisting of wife, children and old aged mother is suffering financially, and psychologically apart from social stigma due to this unlawful and illegal punishment. He belongs to SC community. Inspite of best efforts he could not secure alternate employment and remained unemployed. The mercy petition send by him to the bank was mechanically rejected. Thus, he was to approach the conciliation officer as the conciliation failed the present reference is made. Therefore, the order dated 30.3.2005 of the Zonal Manager, Bank of India, Visakhapatnam is to be set aside directing the Management to reinstate the workman into service, with continuity of service, back wages and all other attendant benefits together with the interest @ 12% on the arrears from the due date till the date of realization and costs.

3. Though one Sri Vikram Sinha, Sr. Manager, Bank of India, appeared before this Tribunal on 4.7.2009 in answer to the notice received by the Management, thereafter the Management failed to take any interest in the proceedings. In the circumstances, they were set exparte by virtue of orders dated 23.11.2010.

4. To substantiate the contentions of the workman he filed his chief examination affidavit as WW1 and got marked Ex.W1 to W8.

5. Heard the arguments of the workman. Written arguments are also filed for him and the same are received and considered.

6. The points that arise for determination are:

I. Whether the action of the Management of Bank of India, Nuthakki branch, in terminating services of

Sri R. George, Ex. Cashier-cum-clerk with effect from 30.3.2005, is justified?

II. To what relief the workman is entitled to?

7. Point No.I:

To decide the justification or otherwise of the impugned order dated 30.3.2005, the evidence relevant is the documents produced by the workman and which are marked as Ex.W1 to W8. Ex.W1 is the copy of chargesheet dated 1.6.2004. Ex.W2 is copy of the enquiry proceedings dated 24.7.2004, which include the statement of the workman as charge sheeted employee made to the Enquiry Officer. Ex.W3 is copy of the punishment order dated 30.3.2005. Ex.W4 is the Copy of appellate order dated 8.5.2005. Ex.W5 is the copy of mercy petition dated 19.7.2005 made by the workman to the Management. Ex.W6 is a copy of letter said to have been addressed by the General Secretary of Bank of India Staff Union, Ex.W7 and W8 are copies of representations said to have been made by some account holders.

8. A fact to be noted is that the authors of the Ex.W6 to W8 are not examined as witnesses to prove these documents. Even otherwise, they got nothing to do with the domestic enquiry conducted in this case. Hence, these documents can not be considered.

9. As can be gathered from Ex.W3 and W4 the punishment order and the appellate order, the authorities concerned found that the workman was guilty of fraud and tampering with bank's records.

10. As can be gathered from the material on record, it is an admitted fact that the customer Sri B. Ravi Kumar Reddy, actually deposited Rs.185000/- on 5.7.2003, but he mentioned the amount deposited as Rs.180000/- on the front side of the pay-in-slip. The record further discloses that the amount was counted by one Sri C V Rao, the special assistant and he mentioned the amount actually deposited as Rs.185000/- and also noted the denominations of the said currency notes. But the workman has altered the figures and made it as Rs.180000/- and he confessed regarding the same in his statement dated 7.8.2003 which is marked as Management Ex.No.7 during the Departmental enquiry. Evidently he returned the amount of Rs.5000/- to the customer but the enquiry finding is that the same took place only after the customer made a complaint to the Manager.

11. Considering the given circumstances, the impugned order dated 30.3.2005 was issued, that too after giving opportunity of personal hearing to the workman. The said order was confirmed by the Appellate Authority by virtue of order dated 8.5.2005. The contentions of the workman made against the mode of conducting of Departmental enquiry are vague and devoid of particulars. Thus, it is to be taken that he has not made out anything against the validity of the domestic enquiry conducted against him. The record of the Departmental enquiry which

is produced by the workman himself clearly reveal that there was strict compliance of principles of natural justice during the Departmental enquiry.

12. Further more, considering the gravity of the charges proved against the workman who has been a cashier in the banking institution which deals with public money and which can function only on the faith of the public, it can not be said that the punishment of compulsory retirement imposed on the workman is disproportionate to the said charges.

13. In the given circumstances, it can safely be held that the action of the Management of Bank of India, Nuthakki branch, in terminating services of Sri R. George, ex. Cashier cum clerk with effect from 30.3.2005, is justified.

This point is answered accordingly.

14. Point No.II:

In view of the finding given in Point No.I, the workman is not entitled for any relief.

This point is answered accordingly.

Result:

In the result, the reference is answered as follows:

The action of the Management of Bank of India, Nuthakki branch, in terminating services of Sri R. George, Ex. Cashier cum clerk with effect from 30.3.2005, is justified. Therefore, the workman is not entitled for any relief.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 30th day of October, 2014.

M. VIJAYALAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri R. George	NIL
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Documents marked for the Petitioner

Ex.W1:	Photostat copy of charge sheet dt. 1.6.2004
Ex.W2:	Photostat copy of enquiry proceeding dt. 24.7.2004
Ex.W3:	Photostat copy of punishment order dt. 30.3.2005
Ex.W4:	Photostat copy of appellate order dt. 28.5.2005
Ex.W5:	Photostat copy of mercy petition by WW1 to CMD of Respondent bank dt. 19.7.2005
Ex.W6:	Photostat copy of representation of staff Union reg. reconsideration in case of WW1, dt. 17.4.2007

Ex.W7: Photostat copy of Ir. of Sri B. Ravi Kumar,
customer dt. 21.6.2004

Ex.W8: Photostat copy of Ir. of customers
Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 68/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12011/26/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen, received by the Central Government on 02/12/2014.

[No. L-12011/26/2013- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, CHENNAI

Thursday, the 20th November, 2014

PRESENT : K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 68/2013

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
Indian Bank Employees
Association (T. Nadu)
17, Ameerjan Street,
Choolaimedu, Chennai-600094

AND

The Asstt. General Manager (HR) : 2nd Party/1st
Indian Bank, Respondent
HO : HRM Department
66, Rajaji Salai
Chennai-600001

Appearance:

For the 1st Party/ : Sri K. Krishnan, Authorized
Petitioner Union Representative

For the 2nd Party/ : M/s T.S. Gopalan & Co.,
Management Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/26/2013-IR(B-II) dated 23.05.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the Indian Bank Management in respect of outsourcing the employees for core functions and other IT related activities is justified or not? What relief the workmen entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 68/2013 and issued notices to both sides. The First Party has appeared through Authorized Representative and the Respondent through the counsel and filed Claim and Counter Statement respectively. The petitioner has filed a rejoinder after the counter statement was filed.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner is a union registered under the Trade Union Act. It has substantial following among the workmen in the Respondent Bank. It takes up genuine issues relating to its members and also issues relating to the security of the Bank as a whole. The service conditions of the Bank employees are governed by the Bipartite Settlement. All core functions in the branches of the bank like account openings and other day-to-day computer operations are handled by the employees working in the branches. KYC data of the accounts opened in the branch are updated by the Centralized Deposits Processing Centres (CDPC) established by the Management all over the country. These functions are as per the provisions of the Bipartite Settlement. Para-31 of the 8th Bipartite Settlement covers the scope of computerization and the permissible limit of computerization in bank activities and had also imposed restrictions on bank's management with regard to outsourcing of computer related works, emphasizing the need to train the staff in the related field of computer activities and also the need to develop in-house competencies. The training of staff under CBS environment and opening of DDPC centres are the outcome of

conditions put forth in Para-31 of Bipartite Settlement. The Respondent, with the intention to outsource the functions so far performed by CDPC centres, crippled the activities of these centres by not posting adequate staff to these centres. This is in violation of Para-31 of the 8th Bipartite Settlement. The Respondent should be directed to stop the outsourcing of normal and core functions of the bank in violation of Para-31 of 8th Bipartite Settlement.

4. The Respondent has filed Counter Statement contenting as follows:

The Respondent Bank has large network of branches spread through the width and breadth of the country. In the current competitive environment it has become imperative for Nationalized Banks to resort to outsourcing the service of external agencies in non-core functions for operational excellence and cost reduction. In December 2005 the RBI has issued guidelines in outsourcing the service of external agencies for attending to banking functions. Outsourcing has come to stay in the Banking industry and the only area where outsourcing can be resisted is when there is a threat to job security of the existing employees or where it is prejudicial to the interests of public and bank finance. The petitioner is not entitled to oppose the outsourcing as the RBI has itself permitted outsourcing and has given instructions as to the manner in which outsourcing should be resorted to. The Respondent Bank has established CDPC Centres at Chennai, Bangalore, Mumbai and Delhi in the year 2005 with the object of better and speedy customer service. CDPC is being manned by regular employees of the bank and it is only overseeing the compliance of opening of accounts at the branch level and keep recording the system opening access from anywhere in the bank. Though there was an informal proposal for outsourcing service sometime in the year 2011, the proposal had not assumed shape. The bank is entitled to outsource its functions within the framework of the Bipartite Settlement and RBI guidelines. So the apprehension of the petitioner is wholly unfounded and unwarranted. When the petitioner has addressed a letter to the Bank it was keen to assert its right to go in for outsourcing if it becomes necessary and it was in this context a reply was sent to the petitioner on 15.10.2011. The petitioner is not entitled to any relief.

5. The petitioner has filed a rejoinder denying the contentions in the counter statement and also reiterating the averments in the Claim Statement.

6. The evidence in the case consists of oral evidence of WW1, MW1 and documents marked as Ext.W1 to Ext.W3 and Ext.M1 and Ext.M2.

7. The points for consideration are :

- (i) Whether the action of the Respondent in respect of outsourcing the employees for core functions and other IT related activities is justified or not?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

8. The petitioner has filed the claim seeking a ban on outsourcing of normal and core functions of the Respondent Bank in violation of the provisions of Para-31 of the 8th Bipartite Settlement. According to the petitioner, Para-31 of the 8th Bipartite Settlement had imposed restrictions on the manner in which computerization is to be done in the Bank activities. It is stated by the petitioner that the training of staff under the CBS environment and opening of CDPC Centres are the logical outcome of restrictions imposed by Para-31 of 8th Bipartite Settlement. It is alleged by the petitioner that the activities of CDPC centres are crippled by the Respondent with the intention to outsource the functions that were performed by the Centres. In answer to this allegation the Respondent has contended in the Counter Statement that the bank is entitled to outsource its functions within the framework of the Bipartite Settlement and also as per the RBI guidelines. Even while asserting this it is stated by the Respondent that so far outsourcing had not been resorted to at CDPC Centres. According to the Respondent the raising of the dispute by the petitioner is much ado about nothing.

9. Para-31 of the 8th Bipartite Settlement between the bank and its employees refers to computerization, mechanization and technical upgradation. Clause-h of Para-31 states that while it shall be the bank's endeavour to retain/re-skill staff and to develop in house competencies they may outsource IT and its related activities in respect of specialized areas where in-house capability is not available. It is on the basis of the above clause both the petitioner and the Respondent have taken their stand in the Claim Statement and the Counter Statement respectively. The Respondent has also been referring to the guidelines of RBI on outsourcing of financial services by the banks. While the 8th Bipartite Settlement has been signed on 02.06.2005, the RBI guidelines on outsourcing of financial services has been issued on 06.12.2005. The guidelines states that the world over the Banks are increasingly using outsourcing to third parties who may be unrelated or members of the group / conglomerate as a means of both reducing cost and accessing specialist expertise not available internally and achieving strategic aims. It is also stated that outsourcing brings in its wake several risks and failure to manage these risks can lead to financial losses and reputational risk to the Bank and could also lead to systemic risk within the entire banking system in the country. The guidelines seems to have been issued in an effort to mitigate the risks Clause-6(i) of the guidelines refers to outsourcing policy. It states what are the steps to be taken before outsourcing is resorted to. The Board of the Bank or a Committee delegated by it is to approve any outsourcing of the financial activities. Thus it could be seen that the Bipartite Settlement entered into prior to the guidelines issued by the RBI as well as the guidelines of the RBI supports outsourcing by banking institutions. The restriction placed as per Para-31 of the Bipartite Settlement is that outsourcing should be only in respect of specialized

areas where in-house capability is not available. It further states that there should be an endeavour to retain and re-skill the staff and to develop in-house competencies.

10. The petitioner in his capacity as a General Secretary of the Union has given evidence as WW1. The facts revealed through cross-examination will justify the stand of the Respondent that so far outsourcing activities apprehended by the petitioner has not been resorted to. What is stated in the Claim Statement is that the activities of CDPC centres have been crippled with the intention to outsource the activities of the Centres. But even as admitted by the petitioner, so far such outsourcing is not done. The Centres are still manned by the staffs of the bank. Though the petitioner would assert that in case outsourcing is resorted to it will affect the service conditions of the existing employees, according to him, it is difficult to answer whether outsourcing has so far affected the service conditions of the existing employees. He has admitted that as per Para-31 of 8th Bipartite Settlement outsourcing is not ruled out. He has also admitted that all the information regarding accounts of the customers are transmitted to the CDPC through the computer and such transmission is done for the purpose of updating. At the last stage of his cross-examination the witness has stated that he is objecting to outsourcing because the secrecy of the customers would be lost and also because job opportunities in the Bank will be curtailed.

11. It could be seen on going through Para-31 of Bipartite Settlement that there is an inbuilt provision that outsourcing shall not result in retrenchment in any of the employees. So the settlement itself assures that there will be no risk for the existing staff because of outsourcing. True Para-31 provides for developing in-house competency also. At the same time it is stated that where in-house capability is not available outsourcing can be resorted to. The claim of the petitioner is that there should be a total ban on outsourcing of normal and core functions of the Bank. However, there is no case for the petitioner that any normal and core functions of the Bank are outsourced by the Bank. CDPC Centres seems to have been set up for the particular purpose of updating the data in respect of the customers. Whether this is a normal function of the Bank or core function of the Bank is not stated by the petitioner. The stand of the Respondent is that it is a non core function and for such functions outsourcing can be resorted to if the Banks wants even though it is not done so far. Probably updating of the data in respect of the existing customers is not the normal or core function.

12. The petitioner has been referring to the stand taken by the Respondent in the Ext.W2, the reply given before the Labour Commissioner in which the Respondent stated that it has got the responsibility of preserving the records of the Bank, that maintaining hard copies will require a lot of space and retrieval of the forms will be difficult, that the Bank is intending to preserve them in electronic form

and for this purpose integrated document management system through scanning is mooted for easy preservation and retrieval and for this purpose a software firm has come forward with a scanning solution. Referring to this, the Respondent has stated in the Counter Statement that the Respondent was keen to assert its right to go for outsourcing if it becomes necessary and it was in this context such a reply was sent. On the other hand, according to the petitioner this stand of the Respondent before the Labour Commissioner itself would show its intention to resort to outsourcing.

13. As already stated even as per the 8th Bipartite Settlement and the RBI guidelines, outsourcing is not taboo for the Bank. Only thing is that it should be in consonance with the restrictions given in Para-31 of the settlement and in accordance with the guidelines of the RBI. In the absence of proof of any outsourcing so far the case of the Respondent that it has not resorted to any outsourcing even in respect of the activities referred to in Ext.W2 is to be accepted. Whether updating of data is the core activity of the Bank could not be established by the evidence of the petitioner alone.

14. As per the RBI guidelines Banks are restricted from outsourcing only core management functions like corporate planning, organization management and control. Decision making functions like determining compliance with KYC norms for opening deposit accounts, according sanction for loans and management of investment portfolio shall not be outsourced. That means the RBI does not restrict outsourcing of other activities of the Bank. This guidelines of the RBI is to be read along with the restrictions placed by Para-31 of Bipartite Settlement. The RBI has stated in the guidelines that a bank intending to outsource any of its financial activities should put in place a comprehensive outsourcing policy approved by Board. The Board of the Bank or a committee delegated by it is responsible for approving a framework to evaluate the risk and materiality of all existing and prospective outsourcing. Thus it could be seen that sufficient safeguard is placed by the RBI for outsourcing of activities. So it will not be proper to give a blanket ban on outsourcing without enumerating which are the activities that will not come within the restrictions imposed by the RBI, which are core activities, whether in-house competency is available, etc. In any case there is no case for the petitioner that so far the employees have been affected by outsourcing. So far as the apprehension expressed by the petitioner that outsourcing will result in loss of secrecy of the customers and will cause risk to the customers as well as to the Bank, sufficient safeguards are provided in the guidelines and these guidelines will take care of such apprehensions expressed by the petitioner. I find that the petitioner is not entitled to any relief in the above circumstances.

15. In view of my discussion above, the reference is answered against the petitioner.

An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this the 20th day of November, 2014)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri K. Krishnan
Union

For the 2nd Party/ : MW1, Sri R. Sakthivel
Management

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	17.08.2011	IBEA(TN) letter to ALC, Chennai IBEA/GEN/120/2010-13 raising an Industrial Dispute against outsourcing of CDPC works
Ex.W2	15.10.2011	Reply letter by Indian Bank Management to the above letter dated 17.08.2011
Ex.W3	02.06.2005	Provisions of 8th Bipartite Settlement under Para-31 with regard to com- puterization/mechanization and technological upgradation with reference to types of works that can be outsourced

On the Management's side

Ex.No.	Date	Description
Ex.M1	06.12.2005	Reserve Bank of India Guidelines on outsourcing for financial services by Banks
Ex.M2	02.06.2005	Extract from 8th Bipartite Settlement Clause-31 on Computerization/ Mechanization and Technological upgradation.

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 233/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/44/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 233/99 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/44/99- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/233/99

PRESIDING OFFICER : SHRI R.B.PATLE

Shri Praveen Kumar Yadav,
S/o Babulal Yadav,
Sanwara road, Burhanpur,
Distt. East Nimar (MP)

...Workman

Versus

General Manager,
Bank of India,
Head Office, Express Towers,
Nariman Point,
Mumbai

...Management

AWARD

Passed on this 23rd day of September 2014

1. As per letter dated 4-11/6/99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/44/99/IR(B-II). The dispute under reference relates to:

" Whether the action of the management of General Manager, Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is justified? If not, to what relief the workman is entitled for?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3 to 11. Case of workman is that he was working as peon in Bank of India, Sanwara, Burhanpur Branch, Distt. Khandwa from 1989 to March 1992. The details of working days are shown 84 days in 89-90, 200 days in 90-91, 287 days in 91-92, 277 days in 1991, 74 days during January to March 92. Workman submits that he completed 240 days continuous service and acquired permanent status. He was eligible for regularization of his service. In spite of regularising his services, IInd party terminated his services from April 1992. He is out of employment. He has no source of income. Several post of peon are vacant.

3. It is further submitted that Union ad management had agreed that on completion of 240 days service, daily wage employees will be regularized. In spite of regularizing his services, workman has been terminated without notice. On such ground, workman prays for his reinstatement with back wages.

4. IInd party filed Written Statement at page 93 to 107. IInd party submits that workman was not engaged by Bank. Employer employee relationship is not existing. Order of reference is made mechanically. It is prejudicial to the management as workman was not appointed by Bank. There was no question of termination of his service. The dispute is raised in 2000 challenging termination of workman in 1992 is highly belated. Reference is not tenable.

5. IInd party on facts denied employer employee relationship. It is reiterated that employment of sub staff is made through Employment Exchange. It is not mandatory. The Manager has power to make appointment. The name of workman was not sponsored through Employment Exchange. Workman was not on rolls of the Bank. He was given certain advantage for miscellaneous work in the Bank. Branch Manager had to make necessary arrangements. The payments were made by Branch Manager. He was reimbursed of such payment from miscellaneous charges. Amount was debited from Profit and Loss Account. Temporary engagement does not give right to the workman as his engagement was as stop gap arrangement. Workman was not appointed by Bank. There was no question of his termination. He is covered under Section 2(oo)(bb) of I.D.Act. It is denied that workman completed 240 days service. On such ground, IInd party prays for rejection of claim of workman.

6. Workman filed rejoinder at Page 101 to 10/3 reiterating his contentions in statement of claim.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of General Manager, In Negative Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is justified?

(ii) If not, what relief the workman is entitled to?" As per final order.

REASONS

8. Workman is challenging termination of his service in violation of ID Act. That after completion of 240 days, he acquired status of permanent employee but his service were not regularized rather were terminated. IInd party denies above contentions of management. Employer employee relationship is denied. Legality of order of reference is challenged. However order of reference

is not challenged before superior court. The order of reference is not set-aside therefore Tribunal is bound to decide the reference.

9. Workman filed affidavit of evidence. He has stated that he was working with the Bank on daily wages from 1989 to 1990. He completed 240 days continuous service. His services were terminated without notice in April 92. He has no source of earning. In his cross-examination, workman says he was engaged on daily wages by Branch Manager Pahadia. He was told that there were vacancies in the Bank. He was interviewed by Pahadia who was acquainted with him. 3-4 persons were also interviewed on the same point. He was engaged on daily wages. Employment card was deposited in Bank. Zerox copy is not with him. He submitted separate application. In 1989, he worked for 200 days, 90-225 days, 91-287 days, 92- 240 days. No certificate was issued by Bank about work for 287 days. He was paid wages Rs. 60.70 per day. There is no suggestion to workman that he not completed 240 days continuous service. The documents produced by workman Exhibit W-1 is working of 240 days during preceding year is denied. Exhibit W-2 Regional manager has not disputed working more than 240 days of workman during 90 to 92. Rather it was accepted. In Exhibit W-3 certificate given by Bank working days of workman are shown 187 days during the period 8-8-89 to 31-3-92. Said document is not clear about completion of 240 days continuous service by workman prior to termination of his service. However document Exhibit W-2 clearly supports his evidence.

10. Evidence of management's witness Manohar Baburao Dange is by way of denial of 240 days working by workman. However the witness has admitted that workman was working in Bank during 1989 to March 92. Management's witness in his cross-examination was unable to tell working days of workman during each of the year. He says that no record of casual labor is maintained by the Bank. That wages paid to the workman are reimbursed. Salary is not paid to casual labour. Branch Manager is authorized to engage casual labours and payment of wages is reimbursed. The payment vouchers are not produced. Witness of management admitted Exhibit W-2, W-3. Exhibit W-2 supports claim of workman. The evidence on record establish that workman was continuously working more than 240 days preceding 12 months of his termination. His services are terminated without notice, no retrenchment compensation is paid to him. The termination of services of workman is in violation of Section 25-F of I.D.Act. For above reasons, I record my finding in Point No.1 in Negative.

11. Point No.2- workman was engaged on daily wages. His services are terminated in violation of Section 25-F of I.D.Act. Workman was working from 1989 to March 92. He was not appointed following rules and regulations therefore reinstatement of workman would not be justified. considering period of working, compensation Rs. One Lakh would be appropriate. Accordingly I record my finding in Point No.2.

12. In the result, award is passed as under:-

- (1) The action of the management of General Manager, Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is illegal.
- (2) IInd party is directed to pay compensation Rs. One Lakh to the workman. Cost of Rs.5000/- be paid to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R.B.PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ सं. 152/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/161/98-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 152/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/161/98- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/152/99

PRESIDING OFFICER: SHRI R.B.PATLE

Ambadas Gulabrao Dukre, LR of

Shri Raju S/o Ambadas Dukare,
R/o Shivaji Nagar, Mahal,
Chitnavispora,
Behind Agni Mata Mandir,
Nagpur

: Workman

Versus

Regional Manager,
Bank of Baroda,
Vidarbha & Marathawada,
West High Court, Dharampeth,
Nagpur

: Management

AWARD

Passed on this 22nd day of May 2014

1. As per letter dated 31-3-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-12012/161/98/IR(B-II). The dispute under reference relates to:

" Whether the action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is justified, proper and legal? If not, to what relief the said workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/4. Case of Ist party workman is that he was appointed as peon by IInd party Bank. Nomenclature of parties I wrongly shown. The Bank is hereinafter referred as Party No.2 and workman Raju as Ist party. Ist party workman was appointed as peon on 31-3-97 at Bramni branch. He was continuously working till termination of his service. he was paid salary Rs.1600/- plus allowances. His appointment was on probation for six months. Thereafter his services were likely to be confirmed against clear vacant post. That the workman had proceeded on leave from 2-5-97 to 5-5-97 as he was suffering from illness. He had submitted medical certificate at the time of joining duty. That the IInd party Bank had issued letter dated 6-5-97 about his unauthorized absence. His salary was detected for above leave period. It is alleged to be by way of punishment without giving opportunity to explain his grievance. IInd party Bank further issued letter dated 31-5-97 and caution notice about his unauthorized absence was given. Workman again proceeded on leave on 7-6-97 to 9-6-97 on ground of his illness. He submitted medical certificate at the time of joining duty. IInd party called his explanation as per letter dated 9-6-97 and warning was issued to him. that the services of Ist party workman were terminated from 26-9-97 without notice as per the conditions in the order of appointment. That DD No. 671939 dated 26-9-97 of Rs. 2995/- was sent alongwith termination order. No seniority list was prepared by IInd party Bank 7 days prior to the order of termination. Ist party workman says the services were terminated for unauthorised absence without holding the enquiry. He was not given opportunity to explain his absence. His services are terminated in violation of section 25-G, H of I.D.Act. On such ground workman prays for his reinstatement with consequential benefits.

3. IInd party Bank filed Written Statement at Page 9/1 to 9/7. It is submitted by IInd party that workman was appointed as peon on probation as per order dated 31-3-97. The conditions in the appointment order provided that he will be on probation for the period of six months liable to be extended at discretion of the Bank. His services were liable to be terminated issuing one months notice or payment of one months salary in lieu of notice. During probation period, 14 days notice was liable to be given. On expiry of period of probation, he found satisfactory and medically fit. His services were liable to be confirmed. That the workman joined his service on 31-3-97 at bramni branch. During probation period, his conduct was not found satisfactory. Workman remained absent from 2-5-97 to 5-5-97. There was no leave to his credit. His absence was treated unauthorized. He was also issued warning letter on 31-5-97 requesting to improve his conduct. Workman was deputed for cash remittance from currency chest, Dharampeth Branch, Nagpur on 29-5-97 but he did not reached to said branch neither reported to the Bank on duty. The Bank was put to trouble. Workman remained absent without intimation from 7-6-97 to 9-6-97. Warning letter was issued to him on 31-5-97.

4. IInd party further submits that at the time of joining workman submitted declaration to attestation form that he was not arrested or kept under detention etc. for any offence. However in police verification report, it was reported that workman was accused in Crime No.53/97 for offence under Section 85, 110, 117 of Police Act. The workman was produced before Court No.8 at Nagpur in Criminal Case No. 140/97. Said case was pending against him. Such facts were suppressed by the workman. Workman was granted opportunity to improve himself during probation period. Workman did not shown improvement. He continued to commit lapses during probation period. Therefore his services were terminated from 26-9-97 as per conditions in the appointment order. One months salary in lieu of notice period was paid to him by cheque. The cheque was sent alongwith termination order. He submitted that termination of workman is not covered as retrenchment under Section 2(o)(bb) of I.D.Act. his termination is not in violation of Section 25-F of I.D.Act. IInd party has denied all material contentions of Ist party workman. IInd party prayed for rejection of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

- | | |
|--|----------------|
| <p>(i) Whether the action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is justified?</p> | In Affirmative |
|--|----------------|

- (ii) If not, what relief the workman is entitled to?"

Workman is not entitled to relief as prayed

REASONS

6. Workman is challenging termination of his service for violation of Section 25-F of I.D.Act that his services were terminated without notice. Workman filed affidavit of evidence. However he remained absent for his cross-examination. Workman died during pendency of reference. His LR's are brought on record namely Ambadas Gulabrao Dukre. However the LR of deceased workman donot participate in the reference proceeding, no evidence is adduced. Management filed affidavit of evidence of Shri Lalit Kumar Bidaye, Dy.General Manager consistent with the contentions in Written Statement that workman reported for duty on 31-3-97. Management received letter dated 3-5-97 regarding criminal case pending against workman under Bombay Police Act, 1951. Workman remained absent from duty from 2-5-97 to 5-5-97, no leave was at his credit, warning letter was issued to him on 6-5-97. Workman also remained absent during 7-6-97 to 9-6-97 despite of warning issued to him. He also not reported to the Regional Manager. That the declaration submitted by workman that he was not involved in criminal case neither he was arrested. However police verification report shows that workman was arrested in criminal case. Similar affidavit is filed by Shri P.P.L.Achari Balaga Sr. Manager (HRM) Ist party failed to cross-examine the witness of the management. I donot find any reason to disbelieve evidence of management's witness. The contentions of workman are not supported by any thread of evidence. Therefore I record my finding in Point No.1 in Affirmative.

7. In the result, award is passed as under:-

- (1) The action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is proper and legal.
- (2) LR of workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 64/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/140/98-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/140/98- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/64/99

Shri R.K. Gupta,
Clerk-cum-Cashier, 394,
Shastri Colon, Rajiv Gandhi Ward,
Katni,
Jabalpur (MP) ...Workman

Versus

Regional Manager,
Bank of Maharashtra,
Regional office, Wright town,
Jabalpur ...Management

AWARD

(Passed on this 3rd day of November, 2014)

1. As per letter dated 27-1-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No.L-12012/140/98-IR(B-II). The dispute under reference relates to:

" Whether the action of management of Bank of Maharashtra Jabalpur in terminating the services of Shri R.K. Gupta, Clerk cum cashier from 19.02.96 was legal and justified, If not, to what relief workman is entitled to?"

2. After receiving reference, notices were issued to parties. Ist party workman submitted statement of claim at Page 2/1 to 2/8. Case of workman is that he was appointed as clerk on 7.04.80. He was posted at Kamti. In 1983, he was transferred to Jabalpur. His service record was unblemished. That as per order dated 24.12.90, he was suspended without assigning any reasons. Chargesheet was issued to him on 16.07.91. According to workman, the charges are fabricated with a predetermined mine to dismiss him from service. That formal enquiry was held. Enquiry Officer in his report dated 26.09.95 found him guilty of charges. Workman received report of Enquiry Officer in October 1995. He submitted representation on 20.12.95 challenging findings

of Enquiry Officer. Workman submits the finding of Enquiry Officer are perverse. Disciplinary Authority without application of mind issued order of his dismissal on 19.02.96. Workman was dismissed on 9.05.97. That charges against him related to the year 1986-90. In all 7 charges were alleged against him. Any of the charge was not of the consequence that Bank suffered any loss. Charges were in the form of related to day to day working not warranting dismissal from service. That the working in the bank is extended at Jabalpur branch. There was no hard and fast rule earmarking one posting for one clerk. Clerks as a class were deployed and assigned work on various counters dealing with different nature of transactions. Assignment of work depends on day to day requirements. A group of 4-5 clerks known as relievers for providing substitute service in place of clerks gone on leave. Workman was one of such reliever. No fixed duty was assigned to him.

3. Workman further submits that first charge against him related to loss of pay orders on 11.01.1989 while he was sitting over DD counter. Workman alleged to be negligent in his work. Workman himself repoted loss of pay order to branch Manager on same day at 3.45 PM. That there was no provision of law to keep pay orders. Bank Manager being administrative Head was obliged to take action that no pecuniary loss was caused to the Bank. Enquiry Officer held them guilty of such charges without considering his bonafide act immediately reporting matter to Branch Manager. IInd charge against him related to shortage of cash. That he was reliever was to sit on dispatch desk on 03.08.89 after starting his work. That cash was not tallied for long time. Workman informed about it to Branch Manager. However he was asked to carry out his work and try to balance the same. Workman accordingly work for 5 days on his table. On 08.08.89, he was told to sit in cash department. There was no alternative for him but to move to cash department leaving dispatch desk therefore he submits that charge of shortage of cash cannot be attributed to him. That the cash and stamps were in custody of Branch Manager himself and the same were given to dispatch clerk in morning.

4. Third charge against him related to using amount to credit of his own account and 4 other accounts. He submits that he was reliever at branch. Branch Manager asked me to open new ledger of Savings Bank. Accordingly new ledger were opened and transferred the correct balances in the accounts. Thereafter he had proceeded on leave. There is no occasion to deal with new ledger. Somebody from branch added figures preceding the balances transferred by workman which resulted in inflating the balances in the accounts. Workman submits that on his return, he presumed that bonus must have been paid and accordingly the workman withdrew the amount. Subsequently Branch Manager asked about it. The same was adjusted. Next charge related to shortage in Cash Rs. 50/-, the charge is incorrect. That 50 Rs. Note came from counter and resulted in shortage in the packet of notes.

5. The charge w.r.t. shortage of Rs. 100/- note in packet. Workman had requested other six packets may also be provided to him so that he can check them whether there are 101 pieces and shortage was inflicted. However no action was taken as per his request. That Head cashier who received cash and remitted to SBI was not questioned in that regard. The charge No. 4(d) relates to tendering cash by M/s. United India Insurance Company. The amount was shown in figures Rs. 2903 and Rs. 2908/- while tendering cash they remitted Rs. 2903/- and accordingly the workman accepted the same and gave the receipt. In substance, the workman submits charge against him were not correct.

6. 5th charge against him related to Leave without pay during a span 4 years period. The entire leave was taken by him for his sickness supported by Medical Certificate was sanctioned by the authority. The charge of drunkenness is denied. It is submitted that management was pre-determined for his dismissal because of his Union activities.

7. 1st Party further submits that enquiry was not conducted following principles of Sastry Award or principles of natural justice. He was not supplied documents. He was not permitted to cross-examine witness of management. Enquiry Officer acted as prosecutor. He was not given opportunity to produce his defence evidence. Enquiry Officer was Sr. Officer of the Bank always standing with management. Enquiry Officer was not impartial, enquiry is vitiated. He also submits that showcause notice was not issued to him. Opportunity to personal hearing was not given to him. Enquiry was conducted illegally. On such ground, workman prays for his reinstatement with back wages.

8. IInd party filed Written Statement at Page 3/1 to 3/10. The material contentions of workman w.r.t. charges are denied. That claim of workman for reinstatement cannot be allowed. It is submitted that workman was working as clerk at Jabalpur branch. He committed certain misconduct. The details of charges against workman are given. Charges under clause 19.5 (c), (d) & (j) were of serious nature. The punishment of dismissal without notice is provided. Other charges relates to minor penalty. Details are shown in para-4. IInd party submits DE was conducted against workman. He was allowed reasonable opportunity for his defence. Principles of natural justice were followed. Enquiry Officer considering evidence and arguments on both sides submitted his report on 26.09.95. The dismissal authority considering serious charges proved against workman imposed punishment of dismissal. The appeal preferred by workman was dismissed as per order dated 09.05.97. The findings of Enquiry Officer were confirmed. The allegations of workman about Enquiry Officer acted as prosecutor. The findings of Enquiry Officer are preverse are denied. It is denied that workman was suspended without assigning reasons. It is denied that punishment of dismissal is disproportionate to the charges against workman.

9. IInd party further submits that workman acted negligently and failed to take proper care for keeping pay order books in custody. One of pay order lost pay orders from the book bearing No. 0738253 was used by unknown stranger to defraud the Bank. The said pay order dated 25.02.89 was issued in favour of M/s. Ecotex India for Rs. 34,200/- was presented at Gwalior branch for payment through clearing by Indian Overseas bank. Said branch did not make payment to M/s. Ecotex India Ltd. It is further submitted that workman handed over charge of dispatch desk to one Ramdeo Saydiwal, the balance was Rs. 481.70 but the actual stamp found the handed over by workman were Rs. 255.45 thus there was shortage of Rs. 226.25 while working on dispatch desk, no expenses were made during temporary period of his working. That in staff Account No. 133, balance amount was Rs. 5.86. amount was inflated by Rs. 1100/- while carrying of new ledger. Workman withdrawn said balance with fraudulent motive. IInd party reiterates that all charges against workman are proved from evidence in Enquiry proceedings. Findings of Enquiry Officer are supported by evidence. The same are not perverse. Workman was in habit of attending duties under inference. His drunkenness was cause for his negligence in work. The reputation of Bank is spoiled from such acts. The punishment of dismissal is proper. On such ground, IInd party prays for rejection of claim.

10. As per order dated 22-06-09, enquiry conducted against workman is found legal and valid. Considering pleadings on record and findings on enquiry, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- | | | |
|-------|---|------------------------------------|
| (i) | Whether the charge alleged against workman are proved from evidence in Enquiry proceedings? | In Affirmative |
| (ii) | whether punishment of dismissal imposed on workman is proper and legal? | In Affirmative |
| (iii) | if not, what relief the workman is entitled to? | Workman is entitled to any relief. |

REASONS

11. As per order dated 24.06.09, enquiry conducted against workman is found legal and proper. The question remains for adjudication whether from evidence in Enquiry Proceedings, charges against workman are proved or findings of Enquiry Officer are preverse. The next question remains to be decided whether punishment of dismissal imposed against workman is proper and legal.

12. Learned counsel for workman Shri A.K. Shashi during course of argument submitted chargesheet issued to workman was amended twice. The order on preliminary

issue holding enquiry valid was challenged in W.P. No. 11516/09 allowing liberty to workman to assail the order on preliminary issue alongwith findings on other issues. Said Writ petition was disposed. It is clear from the judgement that Hon'ble High Court has not set aside order on preliminary issue therefore I find it would not be wise of my part to deal with the finding on preliminary issue. Learned counsel for workman Shri A.K. Shashi pointed out my attention to charges against workman related to loss of pay order, shortage of stamps from his custody, taking wrong entries, false accounting, unauthorized absence, attending office in drunkenness condition on duty. It was emphasized that even the petty misconducts were included in chargesheet which was issued in the year 1991. The management had waived its right to issue chargesheet. However any provision was not brought to my notice that chargesheeted to the delinquent employee should be issued within particular period. Learned counsel further submits that the findings of Enquiry Officer are perverse. The evidence of witnesses was not recorded in presence of chargesheeted employee. So far as argument related to perversity of findings, there was no dispute that evidence of 13 witnesses of management was recorded in Enquiry Proceedings. The evidence of witnesses covered each of the charges. Management's witness Shri L.G. Hardikar confirmed complaint given by him. He admitted his signature and documents. The complaint is dated 07.08.89 addressed to Branch Manager. The chargesheeted employee was the receiving cashier on the day of incident. During course of argument, learned counsel of both parties did not deal with the details of the evidence of management's witnesses. Management's witness D.N. Vase was working in Jabalpur branch in January 1986 as cashier. Workman was receiving cash on 23rd and 24th June 89. The evidence of said witness is devoted about genuineness of the documents which were verified. Document ME-2 witness admitting his signature on said document. He has signed against the remark while taking cash by Mr. Sinha on 24-06-89. 99 notes of 100 Rs. was found in the packet, 1 note of Rs. 100 was less. The envelope was on 23.06.89. His evidence on the point is not shattered in his cross examination. His evidence in corss-examination shows the recording was not written in his presence. However as per pleading in statement of claim, workman himself has pleaded that one 100 Rs. note was found less in envelope when he was working as cashier. In that context, the evidence of management's witness cannot be disbelieved. Management's witness Shri A.K. Bapat in his evidence says about missing pay order book while workman was working. Workman himself has stated that he has complained about it to the Branch Manager. The fact remains that pay order book was lose while workman was incharge. Whether the pay order was kept in key and lock and workman is not responsible for loss of pay order book, the contentions of workman cannot be accepted and the pay order book is document and one of cheque is tried to be misused at Gwalior.

13. Management's witness MW-4 Prashant Sonwanshi was working in December 1992 as cashier and teller. In his evidence he says on 7-7-89, CSE was receiving cashier. Letter ME-11 was issued. Said document is admitted by Defence Representative and marked Exhibit 11. Management's witness admits its contents while Rakesh Gupta was receiving cash he observed that cash was not proper and he was unable to tally cash received from him. In his cross-examination said witness of management says that it depend on working habit of individual whether he should put date of receipt or not. Management's witness No. 5 Ramdeo Saidiwal in his evidence says about documents page 176 to 180 written in handwriting of CSE Rakesh Gupta. Those documents were admitted in evidence and marked Exhibit M-16. In his further evidence he says that stamps worth Rs. 105.40 were used and stamps worth Rs. 255.45 were handed over to him. The evidence of management's witness on the point of workman had inflated amount while preparing new ledger. Workman was coming late and leaving office early. Found him on drunkenness condition is supported by management witness. The evidence of management's witness is not required to be appreciated as Appellate authority. The legal position is rather settled that in domestic enquiry, the burden of proof is not required as in criminal case. The findings of enquiry Officer w.r.t. all charges are supported by evidence.

14. Shri A.K. Shashi argued that findings of Enquiry Officer does not show evidence was read over. Zerox copy of enquiry proceeding is produced shows signatures of Enquiry Officer, Presenting Officer, Defence representative, Chargesheeted Employee on enquiry proceedings. Therefore I do not find substance in above argument. Besides above point relates to fairness of enquiry. It is also submitted that DE papers are not exhibited and therefore cannot be considered in evidence. The management's witness A.K. Hasari has referred enquiry record in his affidavit of evidence. He was cross-examined in detail by counsel for workman without raising any objection. Therefore above submissions cannot be accepted. It is further submitted that documents about medical examination are not produced. The document Exhibit ME-104 is medical certificate. The workman was found under intoxication consuming alcohol. It is submitted that for withdrawal of Rs. 100/- passing officer is responsible. The workman written new ledger inflating amount and withdrawn it. Certainly workman is also responsible for it. Arguments on above point cannot be accepted.

15. The arguments advanced by learned counsel for workman that showcause notice was not issued to workman before imposing punishment, personal hearing was not given to him cannot be re-appreciated as finding on preliminary issue is not set-aside by Hon'ble High Court. Rather liberty is given to challenge finding on preliminary issue alongwith other issues in the matter. The fact that pay orders were missing was not in dispute during course of argument. The mistakes committed while taking entries in account was also not disputed. Learned counsel for

workman emphasized that no loss was caused to the Bank. Amount found short was already recovered from the workman. The charge about amount of Rs. 50/- was found less by receiving amount from customer is also supported by evidence. W.r.t. charge that workman as found in drunken condition on duty, learned counsel for workman Shri A.K. Shashi submits that workman was not examined by Medical officer and therefore the charge could not be proved. The burden of proof in criminal case and in domestic enquiry is different. When management's witness working alongwith workman says that workman was attending duties under intoxication, he was misbehaving with the Manager, The details are given in the evidence. Learned counsel for IInd party Shri Shoti supported the findings of Enquiry Officer and punishment of dismissal of workman. It was submitted that workman was attending duty under intoxication, he was misbehaving with Manager. Such persons could not be taken in service. The evidence of management's witness is supported by documents. The management has examined 13 witnesses to prove the charges against workman and also documentary evidence. The Enquiry Officer had discussed entire evidence. I donot find substance in the argument that the finding of Enquiry Officer are not supported by evidence.

16. Learned counsel for workman Shri A.K. Shashi relies on ratio held in case of State Uttaranchal and others versus Kharak Singh reported in 2008(2) Supreme Court Cases (L&S) 698. Their lordship dealing with natural justice, the departmental enquiry held, enquiry should not be empty formality. The witness should not be the enquiry officer. Departmental evidence should be led in the first instance and in presence of charged employee.

The ratio cannot be applied to present case as finding of preliminary issue is not set-aside by Hon'ble High Court.

Next reliance is placed in ratio held in case of Indu Bhushan Dwivedi and State of Jharkhand and another reported in 2010-SCLJ-416. Their Lordship of the Apex court dealing with principles of natural justice held no one can be condemned unheard. Order cannot be passed by a public authority without affording him reasonable opportunity to defend himself.

As the order on preliminary issue is not set aside by Hon'ble High Court, the ratio cannot be applied to present case. Rather the facts of present case are not comparable to the case at hand.

For reasons discussed above, I record my finding in Point No. 1 in Affirmative.

17. Point No. 2.—In view of my finding in Point No. 1, charges against workman are proved from evidence in Enquiry proceedings, question arises about quantum of punishment imposed on workman. Learned counsel for Ist party workman Shri A.K. Shashi submits that the charge cover from 1986 to 1991. Any loss was not suffered by bank, the charges were not of serious nature to warrant punishment of dismissal. That the workman was young at

the time of alleged incident and he should be branded as criminal for such instance. Learned counsel for IInd party Shri Shrotri submits that proved charges against workman relates to taking wrong entries while preparing ledger, inflicted amount was immediately withdrawn by workman shown his motive. Workman was attending duty in drunkenness condition, he was misbehaving with his superiors. The proved charges relates to loss of pay order, taking wrong entries in account books, remaining unauthorisely absent, leaving office early, attending officer late. Punishment of dismissal for such proved charges is proper. Learned counsel for workman Shri A.K. Shashi in support of his argument relied on ratio held in

Case of Commissioner of Police and other versus Sandeep Kumar reported in 2011(4) SCC 644. Their Lordship dealing with service law, right to appoint, condonation of minor indiscretions of youth held young people after committed in indiscretions and approach should be to condone such indiscretions rather than branding them as criminals for rest of their lives. The facts of case before their Lordship show that Sandeep Kumar applied for post of head constable in 1999. In the applications form it was printed about arrest, prosecution etc. was answered in negative. However it was found that Sandeep Kumar was arrested for offence under Section 325/34 of IPC which was compromised on 18-01-98. The respondent and his family member were acquitted.

The facts of present case are not comparable. Workman was working as relieving cashier. The proved charges are that pay orders were lost during his duty period. Submitting immediately report to the Branch Manager doesnot relieve him from his responsibility. The negligence shown in duty by workman resulting loss of pay order is certainly of serious nature. Proved charges against workman shows that while he preparing new ledger, amount was inflicted immediately he withdrawn amount of Rs. 1100/- show his malafide. The stamps were found short while he was dealing with the work. Workman was attending duties in drunkenness condition. Multiple charge of serious nature against workman are supported by evidence of management witness.

18. Learned counsel for workman Shri A.K. Shashi support of his argument relies on

Unreported judgement in Writ petition No. 3224 of 2004 in case of Shri Premnath Singh versus WCL by High Court of Bombay, Nagpur Bench. In para-5 their Lordship observed it is necessary to know that the petitioner was charged for dispatching 53,690 metric tones of coal in excess, it was found by the enquiry officer that only 2.85 metric tones of coal was issued in excess. It is however necessary to note that no reasons are recorded by the enquiry officer for arriving at this finding. The enquiry report also doesnot state that the petitioner had intentionally or willfully neglected his work. The acts of misconduct allegedly committed by the petitioner fell under clause 26.2 and 26.5 of Standing Orders.

The facts of present case are not comparable as discussed above as all six charges against workman are supported by evidence of management's witnesses. The facts are not comparable. Therefore the judgment relied by learned counsel for workman cannot be beneficially relied in present case.

19. Considering the facts, the charges proved against workman are of serious nature, the amount inflicted in account of Chargesheeted employee was immediately withdrawn by him, pay orders were lost the accounts were not properly maintained. Workman was coming to duty under intoxication. the dismissal of workman cannot be said improper. For above reasons, I record my finding in Point No. 2.

20. In the result, award is passed at under:—

- (1) The action of the Management of Bank of Maharashtra, Jabalpur in terminating the services of Shri R.K. Gupta, clerk cum Cashier from 19.02.96 is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू टी आईएम सी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ सं. 57/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/70/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. II, Mumbai as shown in the Annexure, in the industrial dispute between the management of M/s. UTI AMC Ltd. and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/70/2006-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/57 of 2006

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF U.T.I. AMC LTD.**

The Chairman
M/s. UTI AMC Ltd.
Bandra Kurla Complex, Bandra
Mumbai 400 008.

AND

THEIR WORKMEN

Shri Ajay Yashwant Ramraje
Kamal D-5, 2nd floor
BARC Quarters
Mandala Trombay
Mumbai.

APPEARANCES:

FOR THE EMPLOYER : Ms. Nandini Menon, Advocate.

FOR THE WORKMEN : Mr. M.B. Anchan, Advocate.

Mumbai, dated the 14th August, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-12012/70/2006-IR (B-II), dated 30.10.2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the demand of Shri Ajay Y. Ramraje to allow him to withdraw his application for voluntary Separation Scheme introduced by the UTI AMC Pvt. Ltd., during the year 2003 is justified? If so, what relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, the second party workman filed his statement of claim at Ex-6. According to the workman he was permanent employee of the first party since the year 1994. On 30/08/2003 the first party management had issued a circular on the subject of Voluntary Separation Scheme- "B" which provided an exit option to the employees of the first party. In response thereto the second party signed the printed application dt.3/10/2003 for voluntary separation Scheme-'B'. The second party had requested the first party to relieve him on or before 31/10/2003. According to him he realized the evil consequences of his option for voluntary retirement. Therefore he immediately approached the officers of the first party and requested them to allow him to withdraw his application for voluntary separation. The first party allowed the second party workman to continue in their service without any formal communication to that effect. However by office order dated 10/05/2004, the first party informed him that they have decided to relieve him under voluntary separation scheme 'A' from the services of the first party w.e.f. 11/06/2004 AOH. According to the second party workman V.S. Scheme 'A' as referred in the said office order was not at all applicable to the second party

and the said office order has no consequence in respect of the second party and the said order was liable to be ignored. The second party has sent a letter dt. 2/6/2004 addressed to the Chairman of the first party requesting him to allow the second party to withdraw his VSS-B application dt. 3/10/2003. However the first party did not give any response to his request and they did not allow him to work after 11/06/2004.

3. The second party says that he is 37 years of age and passed the maximum age even for the backward class employee to get new employment in any organization. He has his old mother and two unmarried sisters and two minor children and wife depending on him. He had submitted the VSS application without seriously thinking about the same and under fear created by the vicious circle around him. He had never applied for VSS- 'A'. On the other hand his application was for VSS-B. He has sought to withdraw the said application. However the first party has illegally not considered his application for withdrawal and did not allow him to continue in the service. Therefore the second party has raised the industrial dispute. As conciliation failed, on the report of ALC (C), the Ministry of Labour & Employment sent the reference to this Tribunal. The second party therefore prays for declaration that second party workman was well within his right to withdraw his resignation by his letter dt 2/6/2004 before the effective date of retirement i.e. 11/6/2004. He also prays that he be allowed to continue his service ignoring the letter dt. 10/5/2004. The second party also prays to direct the first party to reinstate the second party in service w.e.f 12/6/2004 with full back-wages, continuity in services with all consequential benefits, cost and compensation.

4. The first party Management resisted the statement of claim vide its written statement at Ex-14. According to them, by their circular dated 30/08/2003 they have introduced the voluntary separation scheme-B (VSS-B) for the Class III and Class IV employees who have not completed 10 years' service or 40 years of age. As per clause six of the said scheme an employee can apply for VSS-A or VSS-B during the period the schemes were open. Once applied for, the employee has no right under any circumstances to withdraw his application. The workman has submitted his application under VSS-B Scheme on 3/10/2003 and he was therefore bound by terms and conditions set in the said scheme. His application for VSS was accepted by the management. Thereafter workman cannot withdraw the same. The workman had verbally requested the management to consider his application while accepting the same under VSS-A due to the tax relief available under the said scheme and requested that he should be relieved only in June 2004 so that he would complete 10 years' service and would be eligible to get pension. The management has accepted the verbal request of the workman taking into consideration the financial implications and benefits which the workman was to get. The workman and two other employees were informed by the office order

No. 254/2003-2004 dt.29/10/2003 that their application for voluntary separation were accepted and that their dates of relieving would be communicated later. They were specifically informed that their schemes were accepted under VSS-A. By the order no.39/2004-2005 dated 10/05/2004 it was communicated to the workman that he will be relieved from the service of the company w.e.f. 11/06/2004 AOH. The workman for the reasons best known to him wrote a letter dt. 2/6/2004 to the Chairman of the first party requesting withdrawal of VSS application and seeking sympathetic consideration for the same. As under the scheme there was no provision for withdrawal and in the case of workman his request for VSS was already accepted and date of relieving was also fixed, therefore, his request was not accepted. The workman has completed, signed and submitted his application dt.18/6/2004 for release of his provident fund dues as well as his application for inclusion of himself and his family members for group medi-claim policy for hospitalization. The workman wrote another letter dt.20/7/2004 to the Chairman seeking sympathetic consideration for withdrawal of his VSS application on the same grounds. However for the same reasons it could not be allowed. The workman canvassed his case with a letter dt. 2/8/2004 addressed through a trade union. The management has forwarded to the workman his pension book vide their letter dt. 31/8/2004. The workman is receiving his pension regularly till the date. It shows that the workman received benefits under the scheme. Now he is estopped from challenging the acceptance of his application for VSS. The dispute raised by the workman does not fall in the category of Industrial dispute. The workman is not entitled to be reinstated. He is not entitled to any back wages. He is also not entitled to any relief sought for. Therefore the first party prays that the reference be dismissed with cost.

5. The second party filed his rejoinder at Ex-16. He denied the contents in the written statement and reiterated the contents in the statement of claim.

6. Following are the preliminary issues for my determination. I record my findings thereon for the reasons to follow:

Sr.No.	Issues	Findings
1.	Whether the action of the first party not allowing to withdraw the VSS application of the workman is just, legal and proper?	Yes.
2.	Whether the workman is entitled to be reinstated in service with full back wages as prayed for?	No.
3.	What order?	As per order below.

REASONS**Issues Nos. 1 & 2:-**

7. In the case at hand the facts are not disputed that in response to the VSS scheme the second party workman had applied on 3/10/2003 for Voluntary Separation and requested the management to relieve him on or before 31/10/2003. The fact is also not disputed that the application of the workman was accepted by the first party and on 10/05/2004 he was informed that he would be relieved on 11/06/2004 AOH. The fact is also not disputed that the workman by his letter dt. 2/6/2004 requested the Chairman of the first party that he would like to withdraw his VSS application and his request be considered sympathetically. In this respect according to the workman he has withdrawn his application before the due date of 11/06/2004 when he was to be relieved. Therefore it was submitted on behalf of the workman that the management ought to have allowed the workman to withdraw his application for VSS. In support of his argument the Id. adv. for the second party resorted to Apex Court ruling in *State Bank of Patiala V/s. Phoolpati* 2005 (4) SLR 133 (SC) wherein the Hon'ble Apex Court in para 7 of the judgement observed that;

"It is a settled position in law that unless the employee is relieved from the duty after acceptance of the order of voluntary retirement or resignation, jural relationship of the employee and the employer does not come to an end."

8. In the case at hand the point for determination is not whether there exists jural relationship between the employer and employee even after acceptance of his application for VSS. The main question for determination is whether the workman can be allowed to withdraw his application or willingness to opt for VSS. Therefore the ratio laid down in this ruling is not attracted to the case at hand.

9. In this respect the Id. adv. for the second party also referred another Apex Court ruling in *Shambhu Murari Sinha V/s. Project and Development India Ltd. & Anr* 2002 II LLJ 430 (SC). In that case the workman had given application for voluntary retirement. Acceptance thereof was conditional. Later on workman had withdrawn the option for voluntary retirement sent before he was released from service. In this case the Hon'ble Apex Court held that the appellants' letters withdrawing his voluntary retirement were valid as they were sent before the jural relationship of employer and employee had come to an end, as the acceptance of his application for such retirement was a conditional one.

10. In that case the application for voluntary retirement was accepted conditionally. In such circumstances Hon'ble Court held that till the date of relieving the workman from service, he was entitled to withdraw his application for voluntary retirement and jural relationship continued till that date. In the case at hand the

application for VSS was already accepted by the first party. It was not conditional acceptance as in the case cited herein above. Therefore the ratio laid down therein also does not attract to the case in hand.

11. The Id. adv. for the second party placed much reliance on the judgement of *Atulkumar Jain V/s UTI AMC (P) Ltd. and Ors* decided on 31/03/2009 in WP (C) no. 8778/2004 wherein Hon'ble Delhi High Court has allowed the petition of the workman and he was allowed to withdraw his application for VSS. The Id. adv. for the second party argued that the facts of this case are similar to the case at hand. In this respect I would like to point out that the facts of the above cited case are altogether different. In that case the workman therein had applied for VSS. However his application was not accepted by the management on the ground that some disciplinary proceedings were pending against him. Thereafter the workman had withdrawn his offer for voluntary separation. In the circumstances Hon'ble Court held that, the workman therein was entitled to withdraw his option. The point in that case was also agitated as to whether clause in the said scheme not allowing the workman to withdraw the option is unconstitutional. The Hon'ble Court held that, such clause is violative of fundamental right and would not bind the workman from exercising his right to withdraw his option of VSS. The workman therein was thus held entitled to withdraw his option as it was not accepted by the management. The facts of this case are also quite different. Therefore ratio laid down in that case is not attracted to the set of facts in the case at hand.

12. The Id. adv. for the second party also referred another Apex Court ruling in *Bank of India & Ors. V/s. O.P. Swarnakar* 2003 I LLJ 819 (SC). In this case the Hon'ble Court in respect of irrevocable voluntary retirement scheme has observed that ;

"Employee has every right to withdraw his application for voluntary retirement."

In this case the Hon'ble Court found that the management of the Bank has every right to accept or reject the application for voluntary retirement and the employee was not given option to withdraw his option for voluntary retirement which cannot be allowed. This judgement is not on the point as to whether after acceptance of the option of voluntary retirement whether employee can withdraw his option. Therefore this ruling is also not helpful to the second party workman.

13. The Id. adv. for the second party referred another Apex Court ruling in *Srivastava J.N. V/s. Union of India & Anr* Civil Appeal nos. 6573-6574 /1997 decided on 22/9/1997. In this case the employee had submitted voluntary retirement notice of three months on 3/10/1989. It was to come into effect on 31/01/1990. The proposal was accepted by employer in November 1989. Subsequently in December 1989 employee had withdrawn the notice of voluntary retirement. Employer refused to act on the withdrawal. The Administrative Tribunal held

that voluntary retirement was operative notwithstanding withdrawal of notice since employee handed over charge on 31st January 1990. In that case Hon'ble Apex Court set aside the order of the Tribunal and employer was directed to pay full back wages from the date of withdrawal of notice of voluntary retirement till the date of superannuation subject to adjust pension and other terminal benefits already paid to employee. It was a case of notice for voluntary retirement and Hon'ble Court held that before expiry of the due date the employee was well entitled to withdraw the notice. The facts of this case are different from the case at hand as in the case at hand the workman sought for withdrawal of VSS scheme after his application for the same was accepted and date of relieving was also communicated to the workman.

14. The Id. adv. for the second party also cited the Apex Court ruling in *Power Finance Corporation Ltd. V/s. Pramod Kumar Bhatia* 1997 I CLR 1111 (SC) wherein the employee had applied under Voluntary Retirement Scheme for the employees. The management accepted his application subject to clearance of outstanding dues. The workman wrote a letter requesting to deduct the amount of outstanding dues and to relieve him. Meantime the voluntary retirement scheme was withdrawn. In that case the Hon'ble Court held that as the acceptance of voluntary retirement was subject to condition, the workman has right to withdraw his application for the voluntary retirement. In the case at hand the acceptance of the voluntary separation scheme was not accepted conditionally. It was already accepted and due date of his retirement was also communicated to the employee. Therefore the ratio laid down in the above referred case is not applicable to the case at hand.

15. In this respect the Id. adv. for the second party further submitted that the workman had applied for voluntary separation scheme -B whereas Management has granted him Voluntary Separation under Scheme 'A' which was not sought for. In this respect it is submitted by the first party that under Voluntary Separation Scheme "A", the employee was entitled for more benefit and pension was prescribed for the employees who had completed 10 years of service. The employee herein had applied under scheme 'B' as he had not completed either 10 years' service, or 40 years of age and had requested to relieve him on or before 31/10/2003. According to the first party, the second party was completing 10 years' service in June 2004 and he had requested the first party to relieve him in June 2004. Accordingly his VSS was accepted under Scheme 'A' which was beneficial to the employee and till the date of acceptance was communicated to the second party, he had not withdrawn his option. Therefore once the offer of employee is accepted and the same is communicated to the employee, he cannot withdraw the same. This submission and argument of the first party appears quite probable and acceptable as since October 2003 the second party has not written any letter to the first party till 02/06/2004 in respect of his withdrawal.

16. According to the Id. adv. for the first party submission of application for VSS by the workman was a proposal under Contract Act. The same could have been withdrawn before the acceptance and not thereafter. He further submitted that once the workman has accepted the retirement benefit he is estopped from withdrawing his option for VSS. The Id. adv. pointed out that all the retirement benefits were already paid to the workman. He is also getting pension. Thus now he cannot be allowed to withdraw his option for VSS. In support of his argument Id. adv. resorted to Apex Court ruling in *Bank of India & Ors V/s. O.P. Swarnakar & Ors.* referred supra. In para 75 of the judgement the Hon'ble Court observed that;

"Once application filed by the employee is held to be an 'offer', Section 5 in absence of any other independent binding contract or Statute or Statutory Rule to the contrary would come into play."

It shows that the workman had sent the offer to the management. Management had accepted the same and the acceptance was communicated to the workman by their letter dt.10/05/2004 informing that they have decided to retire him from service under VSS-'A' w.e.f. 11/6/2004. It means that after communication of acceptance, the second party workman has no right to withdraw his option till his relieving date though till that day workman remains the employee of the first party.

17. In para 115 of the judgement the Hon'ble Court further observed that;

"The scheme is contractual in nature. The contractual right derived by the employees concerned, therefore, could be waived. The employees concerned having accepted a part of the benefit could not be permitted to approbate and reprobate nor can they be permitted to resile from their earlier stand."

18. The Id. Adv. for the first party further submitted that after communication of acceptance of VSS to the workman, though workman was to be relieved on later date, he cannot withdraw his option. In support of this argument Id. adv. resorted to Apex Court ruling in *Vice Chairman and Managing Director APSIDC Ltd. & Anr V/s. R. Venkataprasad and Ors* (2003) 11 SCC 572. In this case the employee had given option for retirement under VRS Scheme. The same was accepted by the employer. But in terms of VRS the workman was retained in service even after the cut-off date till the receipt of funds from Government for payment of amount due under VRS. During intervening period the appellants had applied for withdrawal of their option for voluntary retirement. As per interim order of Hon'ble High Court, they were continued in service. Ultimately High Court also directed the employer to retain the workmen in service till superannuation. When the matter was taken up before Apex Court, the Hon'ble Court observed that;

"Withdrawal of option for VRS after the same was accepted is impermissible."

19. The Ld. Adv on the point also cited another Apex Court ruling in State Bank of Patiala V/s. Ramesh Chandra Kanoji & Ors. (2004) 2 SCC 651 wherein the Hon'ble Court held that, offer may be withdrawn at any time before it is accepted and not thereafter.

20. In the light of these rulings I am of the opinion that after acceptance of VSS Scheme the employee was not entitled to withdraw the same. He was well entitled to withdraw the option before 10/05/2004 i.e. before the date of acceptance and not thereafter. Therefore I hold that the action of the management is quite just and proper. Accordingly I decide this issue no.1 in the affirmative. Consequently I also hold that the workman is not entitled to the relief of reinstatement and back wages. Thus I decide this issue no. 2 in the negative and proceed to pass the following order:

ORDER

Reference stands dismissed with no order as to cost.

Date: 14/08/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अरिकसन और रिचर्ड्स मुंबई, अरिकसन और रिचर्ड (सर्वेक्षक) प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुंबई के पंचाट (संदर्भ सं. 27/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-31011/3/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. 2. Mumbai as shown in the Annexure, in the industrial dispute between the management of 1. M/s. Ericson & Richards, Mumbai 2. M/s. Ericson & Richards (Surveyor) Pvt. Ltd. and their workmen, received by the Central Government on 02/12/2014.

[No. L-31011/3/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/27 of 2012

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

(1) M/S. ERICSON & RICHARDS, MUMBAI

(2) M/S. ERICSON & RICHARD (SURVEYOR)
PVT. LTD., MUMBAI

1. The Chief Executive Officer
M/s. Ericson & Richards
Kamani Chambers
32, R. Kamani Marg
Ballard Estate, Mumbai 400 001.
2. The Director
M/s. Ericson & Richard (Surveyor) Pvt. Ltd.
Kamani Chambers
32, R. Kamani Marg
Ballard Estate, Mumbai 400 001.

AND

THEIR WORKMEN.

The Secretary
Maharashtra Navnirman Kamgar Sena
Arjun Khotha Vaid, Ground floor
BMC Parking Plaza Building
Dadar (W)
Mumbai 400 028.

APPEARANCES:

FOR THE EMPLOYER : No appearance

FOR THE WORKMEN : No appearance

Mumbai, the 21st October, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-31011/3/2011-IR (B-II), dated 15.05.2012 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Ericson & Richards, Mumbai and M/s. Ericson & Richard (Surveyor) Pvt. Ltd., Mumbai in terminating the services of 21 workmen (as per Exhibit-I) by way of retrenchment and terminating the services of 12 workmen (as per Exhibit-II) by way of removal of their names from Muster Roll is legal, just and proper? What relief the concerned workmen are entitled to ?"

ANNEXURE - I

1. Omprakash Pisat
2. Pankaj A. Shinde
3. Gopalkrishnan Nair

4. Sanjay Amberkar
5. Atmaram S. Gaikwad
6. S.G. Harijan
7. Vijay Parab
8. Ashok Kumar Dhobi
9. Narendra Naturam Lokande
10. Keshkumar Yadav
11. Ajit Dayanad Dalvi
12. Dipika Digamber Munj
13. Sanjay Kumar Oza
14. Amit Madhukar Revdekar
15. Ramesh G. Gadege
16. Ramesh R. Chauhan
17. Pravin B. Jadhav
18. Rajan M. Jadhav
19. Rajesh P. Barai
20. Rajendra S. Posam
21. Nandakumar Talekar

ANNEXURE-II

1. Pandharinath G. Hase
2. P. Mahalingum
3. Altaf Ansari
4. Paris M. Kothare
5. Naresh P. Pednekar
6. Girish B. Prabhakar
7. Rajan C. Keer
8. Kiran Ganapat Padwal
9. R. G. Singh
10. Alam Ansari
11. Nasim Farooqui
12. M.A. Raja

2. After receipt of the reference from Ministry of Labour & Employment, both parties were served with notice. The matter was adjourned on number of occasions as both parties remained absent. The second party union has neither approached this Tribunal nor filed statement of claim. Since there is no statement of claim on record, therefore, this reference cannot be decided on merits and the same deserves to be dismissed for want of prosecution. Thus I proceed to pass the following order:

ORDER

Reference stands dismissed for want of prosecution.

Date: 21.10.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (28/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/04/2010-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/04/2010- IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

PRESENT : Sri Kewal Krishan, Presiding Officer

CASE NO. I.D. No. 28/2009

Registered on 8.3.2010

Sh. Joginder Singh, C/o Sh. O. P. Indal, General Secretary, North India SC/ST Bank's Employees Federation, H. No. 3086/2, Sector 44D, Chandigarh

.....Petitioner

Versus

The General Manager, Syndicate Bank, Sector 17, Chandigarh

.....Respondents

Appearances:

For the Workman : Sh. Raj Kaushik Adv.

For the Management : Ex-Parte

AWARD

Passed on 15.10.2014

Central Government vide Notification No. L-12012/04/2010-IR(B-II) Dated 18.2.2010, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Syndicate Bank in terminating the services of Sh. Joginder Singh w.e.f. 28.2.2008 is legal and justified? What relief the workman concerned is entitled to?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was engaged by the respondent management on temporary basis on 21.8.2006 as a General Attendant where he worked continuously till 28.2.2008. His services were terminated on 1.3.2008 without paying him retrenchment compensation and without serving any notice. Since the termination of his services is in violation of Section 25F of the Act, he be reinstated in service.

Management was proceeded against ex parte vide order dated 7.9.2010. Thereafter an application was moved to file written statement but the written statement filed along with the application was not signed by any person.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the stand taken by him in the statement of claim.

I have heard Sh. Raj Kaushik, counsel for the workman.

The workman has specifically pleaded that he worked with the respondent management on temporary basis from 21.8.2006 to 28.2.2008 and these assertions were supported by him while appearing in the witness box. The respondent management did not contest the claim of the workman despite appearing through authorized representatives and was later on proceeded against ex parte, as state above. Since the management did not contest the claim of the workman despite having notice of the proceedings, it is reasonable to presume that the management itself admit his claim.

Thus relying on the testimony of the workman along with the fact that the management did not contest the claim, it stands proved on the file that the workman continuously worked with the respondent management from 21.8.2006 to 28.2.2008 on temporary basis.

It is categorically stated by the workman that he was not paid any retrenchment compensation. Thus the termination of the services of the workman are in violation of Section 25F of the Act which inter alia provides that the workman cannot be retrenched unless served with one month's notice in writing or paid compensation in lieu of such notice etc. Since the workman was not paid any retrenchment compensation, therefore, termination of his services are illegal.

There is nothing on the file to suggest that workman was appointed as per Rules and Regulations on the respondent management and it is the case of the workman himself that he was appointed on temporary basis. Since his appointment was not as per Rules and Regulations, his

reinstatement cannot be ordered which will tantamount to backdoor entry into the service. In the circumstances, he is to be paid compensation by the termination of his services illegally. He has not mentioned the pay he was withdrawing.

Thus compensation is to be given only by doing the guess work. Considering the circumstances it is to be held that he is entitled to Rs.1,00,000/- by way of compensation from the management.

In result, it is held that the action of the management in terminating the services of the workman is not legal and justified and workman is entitled to Rs.1,00,000/- by way of compensation from the management. The management shall pay the amount within three months from the publication of the award failing which the workman shall get interest at the rate of 6 per cent per annum from the date of the passing of the award till realisation. The reference is accordingly answered. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2014

का.आ. 3177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष एवं प्रबंध निदेशक, स्कूटर्स इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय लखनऊ के पंचाट (संदर्भ सं. 07/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/12/2010-आईआर (डीयू)]

पी. के वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 4th December, 2014

S.O. 3177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 07/2010) of the Cent. Government Industrial Tribunal-Cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chairman & Managing Director, Scooters India Limited and their workmen, which was received by the Central Government on 03/12/2014.

[No. L-42012/12/2010- IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW**

PRESENT : Shri RAKESH KUMAR, Presiding Officer

I. D. No. 07/2010

Ref. No. L-42012/12/2010- IR (DU) dated : 15.04.2010

BETWEEN

Sh. Surendra Pratap Singh, S/o Sh. Jay Mangal Singh
House No. L-121, Sector-E, LDA Colony, Kanpur Road
Lucknow

AND

The Chairman and Managing Director
Scooter India Limited, Sarojini Nagar, Lucknow-226 008

AWARD

1. By order No. L-42012/12/2010-IR(DU) dated: 15.04.2010 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Surendra Pratap Singh, S/o Shri Jay Mangal Singh, House No. -121, Sector -E, LDA Colony, Kanpur Road, Lucknow and the Chairman and Managing Director, Scooters India Limited, Sarojini Nagar, Lucknow to this CGIT-cum-Labour Court, Lucknow for adjudication.

2. The reference under adjudication is:

"WHETHER THE ACTION OF MANAGEMENT OF SCOOTERS INDIA LIMITED IN REMOVING THE NAME OF SHRI SURENDRA PRATAP SINGH FROM THE ROLLS OF THE COMPANY W.E.F. 11/09/1990 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?"

3. It is admitted case of the parties that the workman has been engaged as an unskilled worker with the management of Scooters' India Limited, hereinafter referred to as Company, on 22.05.1974 and he proceeded on LTC for Ahmedabad on 14.06.1990. On coming back to the Headquarters, the workman was to join his duties on 30.06.1990; but he failed to do so; and accordingly, letter dated 21.08.1990 was issued to the workman, requiring him to join the duties within three days, failing which his name was liable to be struck down from the rolls of the Company. The workman failed to join the duties within specified time; resultantly, his name was struck down from the rolls of the company as per provisions contained in Section 9.3.12 of the Certified Standing Orders; and the workman was intimated accordingly vide letter dated 11.09.1990.

4. The workman in his statement of claim has submitted that during his return journey while on LTC he fell sick and could not join duties as per the advice of the doctors at All India Institute of Medical Sciences, Delhi; accordingly he requested the employers for sanction of medical leave. It is also alleged that the management struck down his name from its rolls w.e.f. 11.09.1990, soon after issuance of letter dated 21.08.1990; without conducting any formal inquiry and giving him an opportunity of defence; which was violative of the principles of natural justice. Accordingly, the workman has prayed that the termination order dated 11.09.1990 be declared illegal and

unjustified and he be re-instated with consequential benefits including full back wages.

5. The management has contended the submissions of the workman, made in the statement of claim, with a mention that the workman has raised present industrial dispute at a belated stage hence not admissible. Apart from this the management has submitted that the workman was in habit of taking leaves without prior approval of the Competent Authority. The management has given a detail of unauthorized leaves availed by the workman and summary of actions taken by the management against the workman during his services tenure with the opposite party. The management has alleged that the workman neither reported on duty after returning back from LTC nor sent any information or application for grant of leave; accordingly, he was issued a letter dated 21.8.1990 asking him to join the duties within 3 days, failing which his name was liable to be struck down from the rolls of the Company. Since the workman did not respond to the letter dated 21.8.1990 nor did he come to join the duties; accordingly, his name was struck off from the rolls of the company due to his unauthorized absence w.e.f. 11.9.1990. Accordingly, the management has prayed that the claim of the workman be rejected being devoid of any merit.

6. The workman has filed its rejoinder wherein apart from reiterating facts already mentioned in the statement claim has submitted that he has been involved in litigation since the termination of his services and delay caused in the matter is just due to not approaching right forum as the workman firstly, approached UP Industrial Tribunal and thereafter at their direction approached the appropriate court after long delay, which was beyond control of the workman.

7. The workman has filed photocopy of the following documentary evidence in support of his claim:

- (i) Letter dated 21.08.1990 of the Scooter's India Ltd.
- (ii) Letter dated 26.10.1993 of PA, Minister of State Industrial Development.
- (iii) Letter dated 11.9.1990 of Scooter's India Ltd. Terminating services of workman.
- (iv) Application for conciliation.
- (v) Order dated 22.2.2008 of Industrial Tribunal (UP), Lucknow.

In rebuttal, the management has filed photocopy of following documents:

- (i) Joining letter dated 23.5.1974.
- (ii) Attestation Form.
- (iii) Charge-sheet dated 01.03.1982.
- (iv) Charge-sheet dated 19.07.1982.
- (v) A letter No. SIL:PER:Est:01264 dated 12.08.1982.

- (vi) A letter No. SIL:PER:Est:01264 dated 20.09.1982.
- (vii) A letter No. SIL:PER:Est:01264 dated 29.09.1982.
- (viii) A letter No. SIL:PER:IR:83:01264 dated 16.02.1983.
- (ix) A letter No. SIL:PER:Est:01264 dated 16.02.1983.
- (x) Charge-Sheet dated 28.04.1984.
- (xi) Charge - Sheet dated 02.07.1990.
- (xii) Attendance Record dated 21.08.1990.
- (xiii) LTC leave from 11.06.1990 - 23.06.1990.
- (xiv) Termination letter No. SIL:PER:Est: 01264 dated 11.09.1990.

The workman has examined himself whereas the management examined Shri A.K. Chatterjee, Manager (HR) in support of their case. The parties availed opportunity to cross-examine the each other's witnesses apart from putting oral arguments as well as written arguments.

8. Heard the authorized representatives of the parties at length and perused the evidence on record.

9. The authorized representative of the workman has contended that the workman who proceeded on LTC with due permission of the employers could not join duties due to his illness. But the management removed his name from rolls of the Company without issuing any show-cause notice or holding any formal inquiry against him, which amounts to violation of principles of natural justice. The authorized representative of the workman has also contended that the workman is working in the Company since 1974 and has completed more than 240 days in with the management in the year preceding his date of termination i.e. 11.9.90; but the management has terminated his services without complying with the provisions of Section 25 F of the Industrial Disputes Act, 1947 as it has not given any notice or notice pay in lieu of notice period nor has paid any retrenchment compassion. The workman has relied on:

- (i) Delhi Cloth and General Mills Ltd. Vs. Shambhu Nah Mukarjee 1981 SCC (L&S) 595.
- (ii) D.K. Yadav vs M/s J.M. A. Industries Ltd. 1993 (67) SC 111.
- (iii) H.D. Singh vs. Reserve Bank of India & others 1985 SCC (L&S) 975.
- (iv) M/s Scooters India Ltd. Vs M. Mahammad Yaqub & Another, Civil Appeal No. 1471 of 1999, decided on 21.11.2000 Supreme Court.
- (v) Anil Kumar Singh vs. Presiding Officer, Industrial Tribunal II U.P., Lucknow & Another, Writ Petition No. 4161 of 1988(S/S), High Court, Allahabad, Lucknow Bench, Lucknow.

10. Per contra, the authorized representative of the management has argued that workman was on LTC from

1.6.90 to 23.6.90 but he remained absent from duties up to 28.7.90 without any intimation to the employers. It is also submitted that the so called illness is not supported by any documentary evidence or other cogent evidence; and he over stayed the expended period, which resulted into issuance of letter dated 21.8.90 to the workman; whereby he was advised to join the duties within three days, failing which his name was liable to be removed from rolls of the company. It is contended by the management that the workman remained idle even after receipt of letter dated 21.8.90 and neither joined his duties nor moved any application for leave; and resultantly, his name was removed from the rolls of Company in compliance of the provisions of 9.3.12 of the Certified Standing Orders of the Company vide order dated 11.09.90. It is also argued by the management that the workman was removed from services in wake of clause 9.3.12 of the Standing Orders which provides that the services of any workman who remains absent from duty without leave in excess of the period of leave originally sanctioned or subsequently extended for more than 10 consecutive days, he shall be deemed to have left the services of the Company on his own accords, without notice, thereby terminating his contract with the Company and his name will, accordingly, be struck off the rolls; accordingly, the name of the workman was struck off from rolls for the reasons he did not turn up to the duty for more than 10 days; hence, his termination does not come within the purview of retrenchment. The management has relied on following case laws:

- (i) The Buckingham and Carnatic Co. Ltd. Vs. Venkatiah & Antr. 1964 AIR 1272 SC.
- (ii) Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association AIR 2000 SC 2198.
- (iii) Vijay S. Sathaye Vs. Indian Airlines Limited (2013) 10 SCC 253.
- (iv) Davalsab Husainsab Mulla vs. North West Karnataka Road Transport Corporation 2014 (140) FLR 756.

11. I have given my thoughtful consideration to the rival submissions of the learned authorized representatives of the parties and scanned entire evidence on record in light thereto.

12. The workman has come up with a case that he has been appointed with the opposite party on 22.05.1974 and working as Artisan Grade 'D'. The workman proceeded on LTC on 14.06.1990 and was expected to reach the headquarters on 30.6.1990; but could not join the duty due to his ailment and meanwhile he received a letter dated 21.08.1990 from the management whereby he was asked to join the duties within three days of receipt of letter, failing which his name shall be removed from rolls; and when the workman failed to join the duties within the specified time his name was struck off from the rolls of the Company vide order dated 11.09.1990. The workman has alleged that the action of the management was violative of the principles of

natural justice; whereby the management was duty bound to conduct a formal inquiry against him before terminating his services. Furthermore, it is also the case of workman that since he has worked for more than 240 days in a year preceding the date of termination therefore, the termination of his services vide impugned order dated 11.9.90 amounts to retrenchment and the management was ought to have complied with the provisions of Section 25 F of the Act before removing him from the services.

13. The management of the Scooters' India Limited, rebutting the claim of the workman has come up with a clear cut case that the workman had been habitual absentee, who remained absent on various occasions previously without any sufficient cause and had been punished with various penalties in the past too. This time the workman over stayed the LTC leave and did not respond in spite of written notice dated 21.08.1990; whereby he was asked to join the duty within three days from the receipt of letter, failing which his name was liable to be removed from the rolls of the company. Since the workman neither turned up nor requested for extension of leave, his name was struck off from the rolls in compliance of provision 9.3.12 of the Standing Orders.

14. The workman in his cross-examination has stated that he proceeded on LTC on 14.6.90 and fell ill during the course of his LTC. He also stated that he got treated at AIIMS for 7-15 days. He admitted at page 3 that he has not filed any evidence regarding treatment at AIIMS. He also stated that thereafter he went to his village for treatment and he informed the Company of his illness through a letter, which could not be received at the Company. He also admitted that after 1990 he is gainfully employed. The workman admitted of having been given warning, penalties for unauthorized absence earlier; but denied of being in the habit of habitual absence.

On the contrary, the management witness, Shri A.K. Chatterjee, Manager (HR) has stated that the workman's name was struck off from rolls due to his unauthorized absence and the workman was not issued any charge sheet for unauthorized absence. He also stated that the workman did not give any information regarding his illness and also that the workman was given notice to join but he did not join.

15. The workman has filed photocopy of the numerous documents in support of his contention, less any documentary proof in support of his pleading that during the course of his LTC he fell ill and he was under treatment at AIIMS and other places; resulting into his non-joining the duties. The workman also could not show any evidence that he ever requested the management to grant him medical leave or any application stating his position as to why he was not joining his duties. On the contrary, the management of the Scooters' India has come with the solitary contention that the workman was habitual absentee and he remained absent after end of LTC leave; and when he did not turn up for joining his duties even

after issuance of letter 21.08.1990, his services were terminated in wake of clause 9.3.12 of the Certified Standing Orders of the Company.

The workman has relied on M/s Scooters India Ltd. Vs. M. Mohammad Yaqb & Anr., Civil Appeal No. 1471 of 1999; wherein Hon'ble Apex Court has rejected the appeal on the ground that the employee who was removed from services of the appellants consequent to his failure in joining the duties, even after personal advice of the Chief Personnel Officer of the Company, in view of Standing Order 9.3.12., was not given any opportunity of defence. In the very case, Hon'ble Apex Court observed that Standing Order 9.3.12 could not have been used for terminating his services.

In rebuttal, the management has relied on Syndicate Bank Vs. Gen. Secretary, Syndicate Bank Staff Association AIR 2000 SC 2198; wherein a case where the employee abstained himself from work for a period of 90 or more consecutive days even after sending show cause notice to the delinquent, the Bank deemed the workman as voluntarily retired from the services of the Bank by virtue of Clause 16 of the Bipartite Settlement treated the delinquent as having voluntarily abandoned his services. Hon'ble Apex Court has observed as under:

"17. Bank has followed the requirements of Clause 16 of the Bipartite Settlement. It rightly held that Dayananda has voluntarily retired from the service of the Bank. Under these circumstances it was not necessary for the Bank to hold any inquiry before passing the order. An inquiry would have been necessary if Dayananda has submitted his explanation which was not acceptable to the Bank or contended that he did report for duty but was not allowed to join by the Bank. Nothing of the like has happened here. Assuming for a moment that inquiry was necessitated, evidence led before the Tribunal clearly showed that notice was given to Dayananda and it is he who willfully defaulted and offered no explanation of his absence from duty and did not report for duty within 30 days of the notice as required in Clause 16 of the Bipartite Settlement."

Also, Hon'ble Supreme Court in Vijay S. Sathaye vs. Indian Airlines Limited and others (2013) 10 SCC 253 has held that absence from duty in beginning may be misconduct, but when such absence is for long period, it may amount to voluntary abandonment of service resulting in termination of services automatically without necessitating any further order from employer. It has observed as under:

"12. It is a settled law that an employee cannot be termed as a slave, he has a right to abandon the service any time voluntarily by submitting his resignation and alternatively, not joining he duty and remaining absent for long. Absence from duty in the beginning may be a misconduct but when absence is for a very long period, it may amount to voluntary

abandonment of service and in that eventuality, the bonds of service come to an end automatically without requiring any order to be passed by the employer.

14. For the purpose of termination, there has to be positive action on the part of the employer while abandonment of service is a consequence of unilateral action on behalf of the employee and the employer has no role in it. Such an act cannot be termed as "retrenchment" from service."

16. In the instant case, admittedly who was on regular rolls of the management of Scooters' India Limited preceded on LTC but did not join his duties long after the date when he was expected to join. The management of the Company sent a letter dated 21.8.1990 to the workman at his three addresses one at New Delhi, the other one at his village at Faizabad; and another at his local address, which was in form of notice to the workman, asking him to join the duties within three days from receipt of latter, failing his name was going to be struck off from the rolls of the Company. The workman has claimed that he did not receive the above letter. Even then being an employee the workman was duty bound to inform the employers about his illness, due to which he was not in position to join the duties. During cross-examination, at page 3, he stated that he had undergone treatment at AIIMS for 7-15 days but did not file any documentary evidence before this Tribunal in that regard. The only contention from the side of the workman is that he had not been given any notice or any formal inquiry has been initiated against him; wherein he might have been given an opportunity to explain his position. But from the evidence on record, it is sufficient to arrive at the conclusion that the workman, if he was ill then he should have given any documentary proof in support thereof. Secondly, what prevented him from informing the employers of the same? Had he been given an opportunity for explanation before an inquiry then what would have been his explanation as he failed to bring anything on record before this Tribunal. Since the workman did not turn up at

all after issuance of letter dated 21.08.90, there was no option for the management to struck off his name from the rolls as his unexplained long absence has amounted to voluntary abandonment of the service and in that event the bonds of services came to an end automatically without requiring any order to be passed by the employer; as it is evident from the principle propounded by Hon'ble Supreme Court in *Vijay S. Sathaye Vs. Indian Airlines Ltd.* (Supra).

17. The workman has also contended that while terminating his services the management did not comply with the provisions of Section 25 F of the Industrial Disputes Act, 1947. The management has emphasized that the termination of the workman was not retrenchment as it was abandonment on the part of the workman. In this regard it may be kept in mind that to construed 'termination' there should be some action by the management against the workman, but in the present case, the workman has himself abandoned the services (as inferred from his conduct) which was a unilateral action on his behalf wherein the management had no role; hence, the same could not be termed as 'retrenchment' of service.

18. Thus, from the facts and circumstances of the case and law cited hereinabove after minute cogent analysis of the evidence available on record; I am of considered opinion that the action of the management of Scooters India Limited in removing the name of workman from the rolls of the company w.e.f. 11.09.1990 is neither illegal nor unjustified. Accordingly, I come to the conclusion that the workman, Shri Surendera Pratap Singh is not entitled to any relief.

19. The reference under adjudication is answered accordingly.

20. Award as above.

LUCKNOW

21st November, 2014.

RAKESH KUMAR, Presiding Officer



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 49] नई दिल्ली, नवम्बर 30—दिसम्बर 6, 2014, शनिवार/अग्रहायण 9—अग्रहायण 15, 1936
No. 49] NEW DELHI, NOVEMBER 30—DECEMBER 6, 2014, SATURDAY/AGRAHAYANA 9—AGRAHAYANA 15, 1936

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3062.—केंद्र सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जयपुर स्थित विचारण न्यायालय में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित मामलों, जो केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए हैं, का अभियोजन तथा विधि द्वारा संस्थापित पुनरीक्षण अथवा अपीलीय न्यायालयों में इन मामलों से सम्बद्ध एवं प्रासंगिक अन्य मामलों में अपीलों/पुनरीक्षणों के लिए सर्वश्री संजय शर्मा एवं संजय महला, अधिवक्ताओं को विशेष लोक अभियोजक के पद पर नियुक्त करती है।

[फा. सं. 225/12/2012-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 26th November, 2014

S.O. 3062.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/Shri Sanjay Sharma and Sanjay Mahla, Advocates as Special Public Prosecutor for conducting prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Rajasthan at Jaipur as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/ revisions or other matters arising out of these cases in the revisional or appellate courts established by law.

[F. No. 225/12/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3063.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा असम राज्य सरकार, राजनीतिक (क) विभाग, दिसपुर की सहमति से दिनांक 17 जून, 2014 की अधिसूचना सं. पीएलए-58/2014/15 द्वारा बेहाली पुलिस स्टेशन में दर्ज किए गए अपराध मामला सं. 08/2014 के संबंध में आयुध अधिनियम, 1959 (1959 का अधिनियम सं. 54) की धारा 25(1)(क)/27 के साथ पठित भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धाराओं 147, 148, 149, 447, 325, 326, 307 एवं 302 के तहत अपराधों तथा उपर्युक्त अपराधों के संबंध में प्रयास करने, दुष्टेतर करने तथा षडयंत्र करने संबंधी कोई अन्य अपराध/अपराधों की जांच हेतु दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार संपूर्ण असम राज्य पर करती है।

[फा. सं. 228/43/2014-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 26th November, 2014

S.O. 3063.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political (A) Department, Dispur vide Notification No. PLA.58/2014/15 dated 17th June, 2014 hereby extends powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences relating to Behali Police Station Case No. 08/2014 under Sections 147, 148, 149, 447, 325, 326, 307 and 302 of the Indian Penal Code 1860 (Act No. 45 of 1860) read with Sections 25(1)(a)/27 of the Arms Act, 1959 (Act No. 54 of 1959) and any other offence/offences attempts, abetments and conspiracy in relation to the above mentioned offences.

[F. No. 228/43/2014-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3064.—केन्द्र सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान स्थित ट्रायल न्यायालय में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यू.) द्वारा संस्थापित सीबीआई मामला सं. आरसी 1(एस)/2011- एससी-III/नई दिल्ली तथा अपीलों/पुनरीक्षणों या उनसे सम्बद्ध अन्य मामलों तथा इनके अनुषांगिक मामलों के संचालन के लिए श्री श्रीदास सिंह रजावत, अधिवक्ता को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/21/2014-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 26th November, 2014

S.O. 3064.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Shri Shridas Singh Rajawat, Advocate as Special Public Prosecutor to conduct CBI case No. RC 1(S)/2011-SC-III/New Delhi instituted by the Delhi Special Police Establishment (C.B.I) in the Trial Courts at Rajasthan and appeals/revisions or other matters connected therewith and incidental thereto.

[F. No. 225/21/2014-AVD-II]

RAJIV JAIN, Under Secy.

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3065.—राजनयिक और कांसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार एतद्द्वारा श्री पवन बक्शी, सहायक को दिसंबर 2, 2014 से भारत के कौमुलावास, म्युनिक में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी.4330/1/2014]

प्रकाश चन्द, उप-सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 2nd December, 2014

S.O. 3065.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Pawan Bakshi, Assistant, in Consulate General of India, Munich to perform the duties of Assistant Consular Officer with effect from December 2, 2014.

[No. T.4330/01/2014]

PRAKASH CHAND, Dy. Secy. (Consular)

नागर विमान मंत्रालय

नई दिल्ली, 21 नवम्बर, 2014

का.आ. 3066.—केन्द्र सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, नागर विमान मंत्रालय की दिनांक 9 जनवरी, 2001 की अधिसूचना संख्या एस.ओ. 84 का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पूर्व पूरे किए जा चुके कार्य अथवा पूरा किए जाने के लिए छोड़ दिए गए कार्यों के अलावा, नीचे प्रस्तुत तालिका के कॉलम (2) में उल्लिखित अधिकारियों को, सरकार के राजपत्रित अधिकारी के समान रैंक के होने के कारण, उपर्युक्त अधिनियम के उद्देश्यों से एतद्द्वारा सम्पदा

अधिकारी नियुक्त करती है जो, अपने संबंधित क्षेत्राधिकार के दायरे में, प्रदत्त की गई शक्तियों का प्रयोग करते हुए ऊपर उल्लिखित तालिका के कॉलम (3) में विनिर्दिष्ट किए गए सरकारी स्थान के संबंध में अथवा उक्त अधिनियम के अंतर्गत सम्पदा अधिकारी के दिए गए कार्यों का निर्वाह करेंगे।

तालिका

क्र. सं.	अधिकारी का नाम	सरकारी स्थानों का वर्गीकरण
(1)	(2)	(3)
1.	सहायक महाप्रबंधक, कार्मिक विभाग, पूर्वी क्षेत्र, एअर इंडिया लिमिटेड, कोलकाता	असम, बिहार, मणिपुर, मिजोरम, नागालैंड उड़ीसा, त्रिपुरा, पश्चिम बंगाल राज्यों तथा संघ शासित प्रदेश अंडमान एवं निकोबार द्वीपसमूह में स्थित एअर इंडिया लिमिटेड की अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
2.	सहायक महाप्रबंधक, कार्मिक विभाग, उत्तरी क्षेत्र, एअर इंडिया लिमिटेड, इंदिरा गाँधी एयरपोर्ट, अंतर्राष्ट्रीय एअरपोर्ट, नई दिल्ली।	संघ शासित प्रदेश दिल्ली तथा हिमाचल प्रदेश, जम्मू एवं कश्मीर, मध्य प्रदेश, पंजाब, राजस्थान, उत्तराखंड, उत्तर प्रदेश तथा संघ शासित प्रदेश चंडीगढ़ में स्थित एअर इंडिया लिमिटेड अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
3.	सहायक महाप्रबंधक, कार्मिक विभाग, दक्षिणी क्षेत्र, एअर इंडिया लिमिटेड, चेन्नै।	आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु तथा तेलंगाना राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
4.	सहायक महाप्रबंधक, कार्मिक विभाग, पश्चिमी क्षेत्र, एअर इंडिया लिमिटेड, मुम्बई।	गोवा, गुजरात, मध्य प्रदेश तथा महाराष्ट्र राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
5.	वरिष्ठ सहायक महाप्रबंधक, औद्योगिक संबंध, मुख्यालय एअर इंडिया लिमिटेड, एयर-लाइंस हाउस, नई दिल्ली।	एअर इंडिया लिमिटेड, मुख्यालय, नई दिल्ली के प्रशासनिक नियंत्रण के एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए सभी आवासीय परिसर।
6.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, पूर्वी क्षेत्र, एअर इंडिया लिमिटेड, कोलकाता।	असम, बिहार, मणिपुर, मिजोरम, नागालैंड, उड़ीसा, त्रिपुरा, पश्चिम बंगाल राज्यों तथा संघ शासित प्रदेश अंडमान एवं निकोबार द्वीप समूह में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
7.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, उत्तरी क्षेत्र, एअर इंडिया लिमिटेड,	संघ शासित प्रदेश दिल्ली तथा हिमाचल प्रदेश, जम्मू एवं कश्मीर, मध्य प्रदेश, पंजाब, राजस्थान, उत्तराखंड, उत्तर प्रदेश

(1)	(2)	(3)
	इंदिरा गाँधी अंतर्राष्ट्रीय एयरपोर्ट, नई दिल्ली।	तथा संघ शासित प्रदेश चंडीगढ़ में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
8.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, दक्षिणी क्षेत्र, एअर इंडिया लिमिटेड चेन्नै।	आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु तथा तेलंगाना राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
9.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, पश्चिमी क्षेत्र, एअर इंडिया लिमिटेड, मुम्बई।	गोवा, गुजरात, मध्य प्रदेश तथा महाराष्ट्र राज्यों में स्थित एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।
10.	सहायक महाप्रबंधक, सम्पत्ति एवं सुविधा विभाग, मुख्यालय, एअर इंडिया लिमिटेड, नई दिल्ली।	एअर इंडिया लिमिटेड, मुख्यालय, नई दिल्ली के प्रशासनिक नियंत्रण के अधीन एअर इंडिया लिमिटेड के अथवा एअर इंडिया लिमिटेड द्वारा अथवा उसकी ओर से पट्टे पर लिए गए आवासीय परिसरों से भिन्न सभी परिसर।

[फा. सं. एवी.18050/21/2014.एआई]

अमित घोषाल, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 21st November, 2014

S.O. 3066.—In Exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Government of India, Ministry of Civil Aviation, notification number S.O. 84, dated the 9th January, 2001, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being officers equivalent to the rank of the Gazetted Officer of the Government, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act, within the limits of their respective jurisdiction in respect of the public premises specified in column (3) of the said Table.

TABLE

Sl. No.	Designation of the Officer	Categories of Public Premises
(1)	(2)	(3)
1.	Assistant General Manager, Personnel Department, Eastern Region, Air India Limited, Kolkata.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Assam, Bihar, Manipur, Mizoram, Nagaland, Odisha, Tripura, West Bengal and Union territory of Andaman and Nicobar Islands.

(1)	(2)	(3)	(1)	(2)	(3)
2. Assistant General Manager, Personnel Department, Northern Region, Air India Limited, Indira Gandhi International Airport, New Delhi.	All residential premises belonging to or taken on lease by or on behalf of Air of India Limited in the National Capital Territory of Delhi and the States of Himchal Pradesh, Jammu and Kashmir, Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh and Union Territory of Chandigarh.		7. Assistant General Manager, Properties and Facilities Department, Northern Region, Air India Limited, Indira Gandhi International Airport, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the National Capital Territory of Delhi and the States of Himachal Pradesh, Jammu and Kashmir, Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh and Union territory of Chandigarh.	
3. Assistant General Manager, Personnel Department, Southern Region, Air India Limited, Chennai.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana.		8. Assistant General Manager, Properties and Facilities Department, Southern Region, Air India Limited, Chennai.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana.	
4. Assistant General Manager, Personnel Department, Western Region, Air India Limited, Mumbai.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Goa, Gujarat, Madhya Pradesh and Maharashtra.		9. Assistant General Manager, Properties and Facilities Department, Western Region, Air India Limited, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Goa, Gujarat, Madhya Pradesh and Maharashtra.	
5. Senior Assistant General Manager, Industrial Relations, Headquarters, Air India Limited, Airlines House, New Delhi.	All residential premises belonging to or taken on lease by or on behalf of Air India Limited and under the administrative control of the Headquarters Limited, New Delhi.		10. Assistant General Manager, Properties and Facilities Department, Headquarters, Air India Limited, New Delhi.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited under the administrative control of the Headquarters of Air India Limited, New Delhi.	
6. Assistant General Manager, Properties and Facilities Department, Eastern Region, Air India Limited, Kolkata.	All premises other than residential premises belonging to or taken on lease by or on behalf of Air India Limited in the States of Assam, Bihar, Manipur, Mizoram, Nagaland, Odisha, Tripura, West Bengal and Union territory of Andaman and Nicobar Islands.				

[F. No. AV.18050/21/2014-AI]

AMIT GHOSHAI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 7 नवम्बर, 2014

का.आ. 3067.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2872673	02-04-2014	भवानी एंटरप्राइस एल-584, जी आई डी सी एस्टेट, पोस्ट ऑफिस के सामने, ओढव, अहमदाबाद-382415	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
2.	2874980	02-04-2014	निलांग वायर्स तथा केबल प्रा. लिमिटेड शैड नंबर 5 तथा 6, श्याम इंडस्ट्रियल एस्टेट प्लॉट नंबर 5813, फेस-1, जी आई डी सी एस्टेट, बटवा-382445	पीवीसी इंसुलेटिड केबल	694	-	-	1990
3.	2877380	03-04-2014	मैक पम्प इंडस्ट्रीज प्लॉट नंबर 65, फेस-1, जी आई डी सी एस्टेट, एटलस रेडियो के सामने, नरोडा, अहमदाबाद-382330	मोटर्स फॉर सबमर्सिबल पम्पसैट	9283	-	-	1996

1	2	3	4	5	6	7	8	9
4.	2878180	03-04-2014	डेसी इंडस्ट्रीज 49/1ए, पैकी 2, टीमभी गाँव, भलारिया मैटल के पास, वारोली ब्रीज के पास, वाया संजन, उमरगाँव, वलसाद-396150	टेक्सटाईल-लैमिनेटिड हाई डेंसिटी पॉलीथलीन (एच डी पी ई) फैब्रिक फॉर कैनाल लाईनिंग	15351	-	-	2003
5.	2876681	03-04-2014	ज्वैल गोल्डी (इंडिया) श्री रामकृष्णा कॉम्लैक्स, 22, निशाल फालिया, दूसरी मंजिल, पीपल्स बैंक के पास, कटटरगाम, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
6.	2875679	07-04-2014	मिलसैंट एपलाईसिंस प्रा लिमिटेड 20, जी आई डी सी एस्टेट, विट्ठल उद्योगनगर, गाँव वल्लभ विद्यानगर, ता. आनंद, वल्लभ विद्यानगर-388121	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलैक्ट्रिक मोटर्स	996	-	-	2009
7.	2874677	08-04-2014	आस्क वॉटर प्रोडक्ट्स गजानंद हाऊस, गोडाउन नंबर बी, सी, एफ पन्ना पार्क बस स्टैंड के सामने, घाटलोडिया, अहमदाबाद-380061	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
8.	2874778	09-04-2014	ध्रुव स्टारस, सर्वे नंबर 24/14, कारेमवेले स्टेशन रोड, मोहन फाटक, वालवाडा, ता. अंबरगाँव, वलसाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
9.	2874879	09-04-2014	एसट्राल पालीटेकनिक लिमिटेड ब्लॉक नंबर 149/1, गाँव रामपुर, ढोलका खेड़ा रोड, जी आई डी सी एस्टेट के सामने, ता. ढोलका, अहमदाबाद-382225	कांड्यूट्स फॉर इलैक्ट्रिकल इंस्टालेशन	9537	3	-	1983
10.	2877784	09-04-2014	टू ब्रॉस प्रोडक्ट्स, प्लाट नंबर 4510 जी आई डी सी इंडस्ट्रियल एस्टेट, अंकलेश्वर, भारूच	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
11.	2876075	11-04-2014	नीलकंठ बिबरेजिस एट तथा पी ओ बिशातपुरा ता कडी (उत्तर गुजरात), मेहसाना, कडी-382715	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
12.	2876580	15-04-2014	धनश्री एग्रो पाली प्रोडक्ट्स, 15/ए, चांगोदर इंडस्ट्रियल एस्टेट, सरखेज बावला रोड, चांगोदर, अहमदाबाद-382213	लो डेंसिटी पॉलिथलीन फिल्म	2508	-	-	1984
13.	2877885	15-04-2014	एशियन मिल्स प्राईवेट लिमिटेड 104, साकार III, ओल्ड हाई कोर्ट के सामने, इनकम टैक्स सर्कल के पास, आश्रम रोड, अहमदाबाद-380014	स्टील ट्यूब्स फॉर आईडलर फॉर बैल्ट कनवेयर्स	9295	-	-	1983
14.	2877986	15-04-2014	एशियन मिल्स प्राईवेट लिमिटेड 104, साकार III, ओल्ड हाई कोर्ट के सामने, इनकम टैक्स सर्कल के पास, आश्रम रोड, अहमदाबाद-380014	स्टील ट्यूब्स फॉर मैकेनिकल तथा जनरल इंजीनियरिंग परपस	3601	-	-	2006
15.	2877279	16-04-2014	एक्वालाईट बिबरेजिस प्लाट नंबर 9, 10, 11 जी आई डी सी टैन, ता बारडोली, सूरत-394601	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999

1	2	3	4	5	6	7	8	9
16.	2877481	16-04-2014	एस पी डी एंटरप्राइस 13, गुनाटीनगर सोसाइटी लिमिटेड रामेश्वर एस्टेट के पास, स्वास्तिक चार रास्ता, अमराईवाडी, अहमदाबाद-380026	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999
17.	2878483	21-04-2014	रवि प्लांट बॉयो टेक्नोलोजिस लिमिटेड सर्वे नंबर 2/1, वास्का ताजपुरा रोड, गाँव वासेटी, ता हलोल, पंचमहल-389350	एमिटिंग पाईप्स सिस्टम	13488	-	-	2008
18.	2878584	21-04-2014	रवि प्लांट बॉयो टेक्नोलोजिस लिमिटेड सर्वे नंबर 2/1, वास्का, ताजपुरा रोड, गाँव वासेटी, ता हलोल, पंचमहल-389350	इरीगेशन इक्यूपमेंट-पालीथलीन पाईप फॉर इरीगेशन लेटरल	12786	-	-	1989
19.	2879182	22-04-2014	पार्थ इंजीनियरिंग 2, अमरनाथ एस्टेट, फोर्ज तथा ब्लोयर कम्पनी के पास, नरोडा रोड, अहमदाबाद	पम्पस-रिजैनेरेटिव और क्लीयर, कोल्ड वॉटर	8472	-	-	1998
20.	2879384	23-04-2014	सरस्वती फूड तथा बिबरेजिस प्लाट नंबर 1, सरदारबाग, माधव होटल के पास, सननगर के सामने, हाईवे रोड एट तथा पी ओ ता सिद्धपुर पाटन-384151	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	1999
21.	2880268	28-04-2014	डारसिक हैल्थकेयर इन्स 224, सहजानंद एस्टेट, सरखेज बावला रोड, सरखेज, अहमदाबाद-382110	एल्यूमिनियम कंडक्टर्स फॉर ओवरहेड ट्रांसमिशन परपज	398	5	-	1992
22.	2882171	28-04-2014	अक्षर बिबरेजिस पी/363, ए/बी, ग्राउंड फ्लोर, सब डिविजन 2 न्यू क्वार्टर गाम, सूरत-395004	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वॉटर)	14543	-	-	2004
23.	2883779	28-04-2014	गुनिया एलॉय तथा स्टील प्रा. लिमिटेड सर्वे नंबर 644, गाँव सिमेज, ता डोलका, अहमदाबाद-382810	कार्बन स्टीन कास्ट बिलेट इनमोट्स, बिलेट, ब्लूमस तथा स्लेब्स फॉर रि-रोलिंग इंटू स्टील फॉर जनरल स्ट्रक्चरल परपस	2830	-	-	2012
24.	2881775	29-04-2014	रोमैक्स पम्प इंडस्ट्रीज सी/20, पार्ट 2, मारुति इंडस्ट्रीयल एस्टेट, नरोड के सामने, फायर ब्रिगेड, अहमदाबाद-380025	सबमर्सिबल पम्पसैट	8034	-	-	2002

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 17th November, 2014

S.O. 3067.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988 of the Bureau of Indian Standards, hereby notifies grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2872673	02-04-2014	Bhawani Enterprises L-584, GIDC Estate, Opp Post Office, Odhav, Ahmedabad-382415	Packaged drinking water (other than packaged natural water)	14543	-	-	2004
2.	2874980	02-04-2014	Nilang Wires & Cables Pvt. Ltd. Shed No. 5 & 6, Shyam Industrial Estate, Plot No. 5813, Phase 1, GIDC Estate Vatva-382445	PVC Insulated Cables	694	-	-	1990
3.	2877380	03-04-2014	MAK Pump Industries Plot No. 65, Phase-1, GIDC Estate, Opp. Atlas Radio, Naroda, Ahmedabad-382330	Motor for submersible pumpsets	9283	-	-	1996
4.	2878180	03-04-2014	Daisy Industries 49/1, Paik 2, Timbhi Village Near Bhallaria Metal Close to Varoli Bridge Via Sanjan Umargaon, Valsad-396150	Textiles-laminated high density polyethylene (hdpe) fabric for canal lining	15351	-	-	2003
5.	2876681	03-04-2014	Jewel Goldi (India) Shree Ramkrishna Complex 22, Nishal Falia Second Floor, Near Peoples Bank, Katargam Road, Surat-395004	Gold and gold alloys jewellery/artefacts- fineness and marking	1417	-	-	1999
6.	2875679	07-04-2014	Milcent Appliances Private Limited 20, GIDC Estate Vithal Udyognagar At Village Vallabh Vallabhnagar, At Tal. Anand Vallabh Vidyanagar-388121	Single-phase small ac and universal electric motors	996	-	-	2009
7.	2874677	08-04-2014	ASK Water Products Gajanand House, Godown No. B,C,F, Opp. Panna Park Bus Stand Ghatlodia, Ahmedabad-380061	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
8.	2874778	09-04-2014	Dhruv Stars Survey No. 24/14, Karembale Station Road Mohan Fatak, Valwada Tal: Umbergaon, Valsad	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
9.	2874879	09-04-2014	Astral Polytechnic Limited Block No. 149/1, Village Rampur, Dholka Kheda Road, Opp GIDC Estate, Tal Dholka, Distt. Ahmedabad-382225	Conduits for electrical installations:	9537	3	-	1983
10.	2877784	09-04-2014	Two Bros Products Plot No. 4510 GIDC Industrial Estate Ankleshwar Bharuch	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
11.	2876075	11-04-2014	Nilkanth Beverages At & PO: Vishatpura Tal: Kadi (N.G.) Mahesana, Kadi-382715	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
12.	2876580	15-04-2014	Dhanshree Agro Poly Product 15/A, Changodar Industrial Estate Sarkhej-Bavla Road, Changodar Ahmedabad-382213.	Low density polyethylene films	2508	-	-	1984
13.	2877885	15-04-2014	Asian Mills P. Ltd. 104, Sakar III, Opp Old High Court Nr. Incometax Circle, Ashram Road Ahmedabad-380014	Steel tubes for idlers for belt conveyors	9295	-	-	1983
14.	2877986	15-04-2014	Asian Mills Pvt. Ltd. 104, Sakar III, Opp Old High Court Nr. Incometax Circle, Ashram Road Ahmedabad-380014	Steel tubes for mechanical and general engineering purposes	3601	-	-	2006
15.	2877279	16-04-2014	Aqualite Beverages Plot No. 9-10-11, GIDC Ten Tal: Bardoli. Surat-394601	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
16.	2877481	16-04-2014	SPD Enterprises 113, Gunatitnagar SO. Ltd. Near Rameshwar Estate Swastik Char Rasta Amraiwadi Ahmedabad-380026	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
17.	2878483	21-04-2014	Ravi Plant Bio Technologies Ltd. Survey No. 2/1 Baska Tajpura Road, Village Vaseti, Tal Halol Panchamahhal-389350	Emitting pipes system	13488	-	-	2008
18.	2878584	21-04-2014	Ravi Plant Biotechnologies Ltd. Survey No. 2/1, Baska Tajpura Road, Village Vaseti, Tal Halol Panchamahhal-389350	Irrigation equipment- polyethylene pipes for irrigation laterals	12786	-	-	1989
19.	2879182	22-04-2014	Parth Engineering 2, Amarnath Estate, Nr. Forge & Blower Co., Naroda Road, Ahmedabad	Pumps-regenerative or clear, cold water-	8472	-	-	1998
20.	2879384	23-04-2014	Saraswati Foods and Beverages Plot No. 1, Sardarbag Near Madhav Hotal, Opp. Sun Nagar, Highway Road At & PO Tal Sidhpur, Patan-384151.	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	1999
21.	2880268	28-04-2014	Darasik Healthcare Inc 224, Sahajanand Estate, Sarkhej- Bavla Road, Sarkhej, Ahmedabad-382110	Aluminium conductors for overhead transmission purposes	398	5	-	1992
22.	2882171	28-04-2014	Askhar Beverages P/363, A/B, Ground Floor Sub Division 2, New Katargam, Surat-395004	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
23.	2883779	28-04-2014	Gunina Alloy & Steel Pvt. Ltd. Survey No. 644, Village: Simej, Taluka Dholka, Ahmedabad-382810	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830	-	-	2012
24.	2881775	29-04-2014	Romex Pump Industries C/20, Part 2, Maruti Industrial Estate, Opp Naroda Road Fire Brigade, Ahmedabad-380025	Submersible pumpsets-	8034	-	-	2002

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3068.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	2817665	मैसर्स जैलको इलेक्ट्रॉनिक प्रा. लिमिटेड ब्लाक नंबर 142, एट तथा पोस्ट कारोली, जलाराम सिरामिक्स के साथ में, खतराज चोकड़ी के पास, गांधीनगर-382721	पी वी सी इंसुलेटिड केबल आई एस-694:1990	04.04.2014
2.	7318672	मैसर्स जर्मल कलरकॉन इंडिया सर्वे नंबर 206/2/1, प्रसारभारती रेडियो स्टेशन के सामने बारेजाडी रोड, गांव बीडज, ता खेडा-387120	सिंथेटिक फूड कलर-प्रीपेरेशन तथा मिक्सचर्स आई एस 5346:1994	09.04.2014
3.	7455783	मैसर्स तरल इंडस्ट्रीज प्रा. लिमिटेड 476, विजय इंडस्ट्रियल एस्टेट, सामियाला, ता पादरा वडोदरा-391410	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर) आई एस 14543-2004	29.04.2014

[सं. सीएमडी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3068.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of India Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each:—

SCHEDULE

Sl. No.	Licences No. CM/L	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	2817665	M/s Gelco Electronics Pvt. Ltd. Block No. 142, At & Post Karoli, Beside Lalaram Ceramic near Khatraj Chokadi, Distt. Gandhinagar-382721	PVC Insulated cables IS 694:1990	04.04.2014
2.	7318672	M/s Greman Colorcon India Survey No. 206/2/1 Opp Prasarbharti Radio Station Barejadi Road, Vill-Beedaj Tal-Kheda, Distt. Kheda-387120	Synthetic Food Colour-preparations and mixtures IS 5346 : 1994	09.04.2014
3.	7455783	M/s Taral Industries Private Limited 476, Vijay Ind. Estate, Samiyala TA-Padra Distt. Vadodara-391410.	Packaged drinking water (other than packaged natural mineral water) IS 14543 : 2004	29.04.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3069.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2880975	01.05.2014	गनैबो इंडिया प्रा. लिमिटेड प्लॉट नंबर 1302-1306, जीआईडीसी इंडस्ट्रियल एस्टेट चांपानेर रोड, हलोल-389350	फायर रिसिंग (इंसुलेंटिंग) फायलिंग केबिनेट	14561	-	-	2007
2.	2881068	01.05.2014	सोमनाथ पाली प्लास्ट प्रा. लिमिटेड प्लॉट नंबर 88, निर्मल इंडस्ट्रियल पार्क, जीआईडीसी गोजारिया, ता तथा पोस्ट मेहसाना	अनप्लास्टिसाईड पी वी सी पाईप्स फार पोटेबल वाटर सप्लायस	4985	-	-	2000
3.	2881674	01.05.2014	हिलकोना केबल नंबर बी-25, अंबिका इंडस्ट्रियल एस्टेट, अंबिका नगर, ओढव, अहमदाबाद-382415	पी वी सी इंसुलेटिड केबल	694	-	-	1990
4.	2882272	02.05.2014	वरीटास इंडस्ट्रीज प्राईवेट लिमिटेड सर्वे नंबर 32, जी आई डी सी, ता अंबरगोंम वलसाद, सारिगाम	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांसमिशन परपस	398	2	-	1996
5.	2882474	06.05.2014	एन एल एक्स्ट्रूजन 43, श्रीराम एस्टेट, शाह एलाय के सामने, सांतेज ता कलोल, गांधीनगर-382721	कांडयूटस फार इलैक्ट्रिकल इन्स्टालेशन	9537	3	-	1983
6.	2883880	06.05.2014	साबेरो आरगैनिक्स गुजरात लिमिटेड प्लॉट नं. 2102, जी आई डी सी, सारिगाम, मिलाड, वलसाद, वापी-396155	मानकोजैब वाटर डिपर्सिबल पाउडर कंसंट्रेट	8708	-	-	1978
7.	2884579	06.05.2014	गणपति वुल प्लाई इंडस्ट्रीज एट धर्मपुरा, प्लॉट नं. 7, एस आर नं. 276, गांव नाईका, ता खेडा-387560	वुडन फ्लश डोर शटर (सालिड कोर टाईप)	2202	1	-	1999
8.	2885682	06.05.2014	ओम बिबरेजिस प्लॉट नं. 81/6/1, जी आई डी सी, वटवा अहमदाबाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
9.	2883981	07.05.2014	ज्योति ज्वैलर्स शॉप नं. 19, ज्ञामकुंज को ओप एच एस सी सोसाइटी, अभिलाषा चार रास्ता, न्यू सामा रोड वडेदरा-390008	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्कारी शुद्धता एवं मुहरांकन	1417	-	-	1999
10.	2883577	07.05.2014	जय भवानी डायमंड 15, पाटीदार काम्पलैक्स स्टेशन रोड, बारडोली, सूरत-394602	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्कारी शुद्धता एवं मुहरांकन	1417	-	-	1999
11.	2884983	08.05.2014	श्री साईनाथ बिबरेजिस 47, प्रहलाद पार्क सोसाइटी, चांदखेडा, रेलवे क्रासिंग के सामने, गांव जगतपुर, ता दसक्राई, अहमदाबाद-380005	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
12.	2887080	08.05.2014	रतनम लैमिनेट्स प्रा. लिमिटेड सर्वे नं. 116/बी-1, गांव सांपा, ता देहगाम गांधीनगर-382305	डैकोरेटिव थर्मोसैटिंग सिनथैटिक रेसिन बॉण्डिड लैमिनेटिड शीट्स	2046	-	-	1995

1	2	3	4	5	6	7	8	9
13.	2885076	12.05.2014	मालाबार गोल्ड प्राईवेट लिमिटेड डोर नं. जी 2, जी 3, तीसरा आई वन कॉमर्शियल काम्पलैक्स, पंचवटी सर्कल के पास, सी जी रोड, अहमदाबाद	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	-	-	2003
14.	2885177	12.05.2014	गालाबार गोल्ड प्राईवेट लिमिटेड डोर नं. जी 2, जी 3, तीसरा आई वन कॉमर्शियल काम्पलैक्स, पंचवटी सर्कल के पास, सी जी रोड, अहमदाबाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
15.	2885783	12.05.2014	आर वी एक्वा एट कंकापुरा, देवपुरा, ता विजापुर, डि मेहसाना विजापुर-382870	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
16.	2886482	13.05.2014	श्री बलराम रोलिंग मिल्स (प्रा.) लिमिटेड सर्वे नंबर 1959, गांव वामज, ता कडी I, डिस्ट्रिक्ट मेहसाना, वामेज-382715	स्टील फार जनरल स्टकचरल परपस	2062	-	-	2011
17.	2886583	13.05.2014	नेचर प्रोडक्ट्स 46, नालंदा एस्टेट, गिरनार स्कूटर कंपाउंड सरदार पटेल रिंग रोड सर्कल के पास, ओढव अहमदाबाद-382415	पम्पस-रिजैनेरेटिव और क्लीयर, कोल्ड वाटर	8472	-	-	1998
18.	2887787	13.05.2014	डायमंड पावर इंफ्रास्ट्रक्चर लिमिटेड फेस-II गांव वडाडला, ता सावली वडोदरा-391520	एल्यूमिनियम कंडक्टर्स फार ओवरहेड ट्रांसमिशन परपस	398	1	-	1996
19.	2887181	16.05.2014	आर बी पालीमर्स लिमिटेड प्लॉट नं. 103 से 108, महालक्ष्मी इंडस्ट्रियल एस्टेट एट आइवा, अहमदाबाद-382110	डैकोरेटिव थर्मोसेटिंग सिनथेटिक रेसिन बॉण्डिड लैमिनेटिड शीट्स	2046	-	-	1995
20.	2887383	17.05.2014	फोरम बिबरेजिस प्लॉट नंबर, 49, 50 ग्राउंड फ्लोर, अमीधारा इंडस्ट्रियल सोसा 3, टी वी एस वर्क शॉप के पास, इमाता रोड, मैगोव सूत-395001	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
21.	2887888	20.05.2014	मारवैक्स पाईप टैक प्राईवेट लिमिटेड ब्लाक नं. 121, मयूर सिनेमा के पास, बडोदरा गांव, अहमदाबाद हाइवे, एट बडोदरा, अहमदाबाद, दसक्रोई-382434	हाई डेंसिटी पालीथलीन पाईपस फार पोटेबल वाटर सपलाईस	4984	-	-	1995
22.	2888385	21.05.2014	हिमसन इंडस्ट्रीज प्लॉट नं. 40, रोड नं. ए, काठवाडा, जीआईडीसी काठवाडा अहमदाबाद-382430	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलेक्ट्रिक मोटर्स	996	-	-	2009
23.	2888486	22.05.2014	अशोका फूड्स तथा बिबरेजिस 19/6-2, प्रकाश एस्टेट, रीटनगर, वस्त्राल रोड, अमराईवाडी अहमदाबाद	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
24.	2888688	22.05.2014	श्री कारेश्वरी जवैलर्स 2782/ई/2, काटोपर दरवाजा बाजार, भारूच-392001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
25.	2888890	26.05.2014	एक्सीटेरा हेल्थकेयर प्लॉट नंबर 133, शिव सिटी इंडस्ट्रीज पार्ट-1 मनकना, सूत	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
26.	2889589	26.05.2014	जय अंबे मिनरल्स एस आर नंबर 195/3, प्लॉट नंबर 2 छानासमा हाइवे, हरिज लिंक रोड, पाटन	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
27.	2889488	28.05.2014	एमपियर इलेक्ट्रिकल्स 28, पटेल नगर, मर्घा फार्म के पास, शास्त्री स्टेडियम के पीछे, बापूनगर, अहमदाबाद-380024	सिंगल फेस स्माल ए सी तथा यूनिवर्सल इलेक्ट्रिक मोटर्स	996	-	-	2009
28.	2890069	30.05.2014	राज पालिमर्स प्लॉट नंबर. 427, रोड नंबर. 10, फेस II, जी आई डी सी, काठवाडा, अहमदाबाद-382430	फर्टिलाइजर तथा कैमिकल इंजैक्टर सिस्टम	14483	1	-	1997
29.	2890170	30.05.2014	राज पालिमर्स प्लॉट नंबर. 427, रोड नंबर. 10, फेस II, जी आई डी सी, काठवाडा, अहमदाबाद-382430	ईरीगेशन इक्वूपमेंट-हाइड्रो साइकलोन फिल्टर	14743	-	-	1999

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3069.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2880975	01.05.2014	Gunnebo India Private Limited Plot No. 1302-1306, GIDC Industrial Estate, Champaner Road, Halol-389350	Fire resisting (insulating) filing cabinets	14561	-	-	2007
2.	2881068	01.05.2014	Somnath Poly Plast Pvt Ltd Plot No. 88, Nirmal Industrial Park GIDC Gozaria, TA & Dist. Mehsana	Unplasticized pvc pipes for potable water supplies	4985	-	-	2000
3.	2881674	01.05.2014	Hilcona Cable No. B-25, Ambica Industrial Estate Ambica Nagar, Odhav Ahmedabad-382415	PVC insulated cables	694	-	-	1990
4.	2882272	02.05.2014	Veritas Industries Pvt. Ltd Survey No. 32, GIDC Sarigam Tal; Umbergaon, Valsad, Sarigam	Aluminium conductors for overhead transmission purposes	398	2	-	1996
5.	2882474	06.05.2014	N L Extrusions 43, Shri Ram Estate, Opp. Shah Alloys Santej, Tal; Kalol, Gandhinagar 382721	Conduits for electrical installations	9537	3	-	1983
6.	2883880	06.05.2014	Sabero Organics Gujarat Ltd., Plot No. 2102, GIDC Sarigam, Bhilad Valsad, Vapi-396155	Mancozeb water dispersible powder concentrates	8708	-	-	1978
7.	2884579	06.05.2014	Ganpati Wood Ply Industries At Dharampura, Plot No. 7, Sr. No. 276, Village Naika, Taluka Kheda-387560	Wooden Flush door Shutters (solid core type):	2202	1	-	1999
8.	2885682	06.05.2014	Om Beverages Plot No. 81/6/1, GIDC, Vatva Ahmedabad	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
9.	2883981	07.05.2014	Jyoti Jewellers Shop No. 19, Gyam Kunj Co-op Hsc Soc. Abhilasha Char Rasta, New Sama Road, Vadodara-390008	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
10.	2883577	07.05.2014	Jay Bhavani Diamonds 15, Patidar Complex Station Road, Bardoli, Surat 394602	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
11.	2884983	08.05.2014	Shree Sainath Beverages 47, Prahladpark Society Opp. Chandkheda Railway Crossing Vill: Jagatpur, Tal: Dascroi, Ahmedabad-380005	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
12.	2887080	08.05.2014	Ratnam Laminates Pvt. Ltd. Survey No. 116/B-1, Village; Sampa, Taluka-Dehgam, Gandhinagar-382305	Decorative thermosetting synthetic resin bonded laminated sheets	2046	-	-	1995
13.	2885076	12.05.2014	Malabar Gold Pvt. Ltd Door No. G2, G3, Third Eye One Commercial Complex, Near Panchvati Circle, C G Road, Ahmedabad	Silver and silver alloys, jewellery/artefacts- fineness and marking	2112	-	-	2003
14.	2885177	12.05.2014	Malabar Gold Pvt. Ltd. Door No. G2, Third Eye One Commercial Complex, Near Panchvati Circle, C G Road, Ahmedabad	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
15.	2885783	12/-5.2014	R. V. Aqua At Kankapura, Devpura Tal Vijapur, Distt. Mehsana Vijapur-382870	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
16.	2886482	13.05.2014	Shree Balram Rolling Mills(P) Ltd. Survey No. 1959, Vill Vamaj. Tal kadi, Distt. Mehsana, Vamaj-382715	Steel for general structural purposes	2062	-	-	2011
17.	2886583	13.05.2014	Nature Products 46, Nalanda Estate, Girnar Scooter clear, cold water Compound, Near Sardar Patel Ring Road Circle, Odhav Ahmedabad-382415	Pumps - regenerative or	8472	-	-	1998
18.	2887787	13.05.2014	Diamond Power Infrastructure Ltd., Phase-II Village Vadadala Tal-Savli, Vadodara-391520	Aluminium conductors for overhead transmission purposes	398	1	-	1996
19.	2887181	16.05.2014	R B Polymers Ltd., Plot No. 103 to 108, Mahalaxmi Ind. Estate At Iyava, Ahmedabad, Gujarat-382110	Decorative thermosetting synthetic resin bonded laminated sheets	2046	-	-	1995
20.	2887383	17.05.2014	Forum Beverages Plot No. 49, 50 Ground Floor, Amidhara Indl SCO. 3, N/R TVS Work Shop, Imata Road, Magob Surat-395001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
21.	2887888	20.05.2014	Marvex Pipe Tech Pvt. Ltd. Block No. 121, NR. Mayur Cinema, Badodara Village, Mahemdabad Highway, At Badodara, Ahmedabad, Daskroi-382434	High density Polyethylene pipes for potable Water supplies	4984	-	-	1995

1	2	3	4	5	6	7	8	9
22.	2888385	21.05.2014	Himson Industries Plot No. 40, Road No. A, Kathwada, GIDC Kathwada, Ahmedabad-382430	Single-phase small ac and universal electric motors	996	-	-	2009
23.	2888486	22.05.2014	Ashoka Foods & Beverages 19/6-2, Prakash Estate, Ritanagar, Vastral Road, Amraiwadi, Ahmedabad	Packaged Drinking water (other than packaged natural mineral water)	14543	-	-	2004
24.	2888688	22.05.2014	Shree Kareshwari Jewellers 2782/E/2, Katopor Darwaja Bazar, Bharuch-392001 Gujarat	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
25.	2888890	26.05.2014	Exetera Healthcare Plot No. 133, Shiv City Industries Part-1, Mankna Surat City, Surat	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
26.	2889589	26.05.2014	Jay Ambe Minerals SR No. 195/3, Plot No. 2, Chanasma Highway Harij Link Road, Patan Gujarat	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
27.	2889488	28.05.2014	Ampere Electricals 28, Patel Nagar, Near Margha Farm Behind Shastri Stadium, Bapunagar, Ahmedabad-380024	Single-phase small ac and universal electric motors	996	-	-	2009
28.	2890069	30.05.2014	Raj Polymers Plot No. 427, Road No. 10, Phase II GIDC, Kathwada Ahmedabad-382430	Fertilizer and chemical injector system	14483	1	-	1997
29.	2890170	30.05.2014	Raj Polymers Plot No. 427, Road No. 10, Phase II GIDC, Kathwada, Ahmedabad-382430	Irrigation equipment- hydrocyclone filters	14743	-	-	1999

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3070.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल—	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7143461	मैसर्स किरलोसकर ब्रदर्स 254/1 चारोडी गांव, सानंद, अहमदाबाद विरमगाँव हाइवे, अहमदाबाद-382170	सबमर्सिबल पम्पसेट आई एस-8034:2002	05.05.2014
2.	3745671	मैसर्स जोश इंडस्ट्रीज प्लॉट नंबर 26, जी आई डी सी दाबोई, वडोदरा, दाबोई-391110	ऑटोमोटिव विहीकल्स - ट्यूब्स फॉर न्यूमैटिक टायर आई एस-13098:1991	16.05.2014

[सं. सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3070.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	7143461	M/s. Kirloskar Brothers 254/1 Chharodi Village, Sanand Ahmedabad Viramgam Highway, Ahmedabad-382170	Submersible Pumpsets IS 8034:2002	05.05.2014
2.	3745671	M/s. Josh Industries Plot No. 26, GIDC Dabhoi, Vadodara, Dabhoi-391110	Automotive Vehicles - Tubes for pneumatic Tyres IS 13098:1991	16.05.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3071.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:--

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2891677	09.06.2014	एक्सिस सोल्यूशनस प्रा. लिमिटेड प्लॉट नंबर 324, रोड नंबर 5, जी आई डी सी, काठवाडा, अहमदाबाद-382430	एक्सप्लोसिव एटमोस्फियर्स पार्ट 1 इक्यूपमेंट प्रोटेक्शन बाय फ्लेमप्रूफ एनक्लोसर्स "डी"	आई एस/आई ई सी 60079	1	-	2007
2.	2892477	16.06.2014	कॅटम प्लास्ट 85 से 90 शिव शक्ति एस्टेट वी ट्रान नी गली, नारोल क्रास रोड, नारोल, अहमदाबाद	क्लोरिनेटिड पी वी सी पोटेबल पाईप फार हॉट तथा कोल्ड वाटर डिस्ट्रिब्यूशन सप्लाइस	15778	-	-	2007
3.	2892073	17.06.2014	फोर के बिबरेजिस प्लॉट नंबर 19-ए, कुसमपार्क, गांव अटक पारडी, ता. वलसाद-396001	पैकेजबंद पेयजल (अदर दैन पैकजड नेचुरल मिनरल वाटर)	14543	-	-	2004
4.	2892275	18.06.2014	क्लासिक पम्प 3/ए, परेश एस्टेट, सोनिया सिरामिक्स के सामने, अनिल स्टार्च रोड, नरोडा रोड, अहमदाबाद-380025	सबमर्सिबल पम्पसैट	8034	-	-	2002
5.	2892376	20.06.2014	गंगा वाटर 63, गंगोत्री काम्पलैक्स, मानसा के समाने जी आई डी सी, ता. मानसा, गांधीनगर-382845	पैकेजबंद पेयजल (अदर दैन पैकजड नेचुरल मिनरल वाटर)	14543	-	-	2004
6.	2897790	20.06.2014	श्री निलोसकर पम्पस 263 तथा 264, शुभ इंडस्ट्रियल एस्टेट, सी एल विद्यालय के पास, काठवाडा सिंगरवा रोड, अहमदाबाद-382430	सबमर्सिबल पम्पसैट	8034	-	-	2002

1	2	3	4	5	6	7	8	9
7.	2892578	22.06.2014	अमी मिनरल वाटर प्लाट नंबर ए-1-163, जी आई डी सी एस्टेट, अंकलेश्वर, एट गांव अंकलेश्वर, भारूच, अंकलेश्वर-393002	पैकजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
8.	2892679	23.06.2014	एड लाईफ इंजीनियर्स बी/6, प्रकाश इंडस्ट्रियल एस्टेट, रीटा नगर के पास, वस्त्राल रोड, अहमदाबाद-382026	ओपन वैल सबमर्सिबल पम्पसेट	14220	-	-	1994
9.	2892982	23.06.2014	मारुति पालिमर्स ए/29, गोल्डन पार्क, जी आई डी सी कडी कलोल रोड के सामने, मेहसाना-382715	कांड्यूट्स फार इलैक्ट्रिकल इंस्टालेशन	9537	3	-	1983
10.	2893277	30.06.2014	जय बालाजी इलैक्ट्रिकल्स शैड नंबर 123, आशीर्वाद इंडस्ट्रियल एस्टेट, नरोडा रोड, अहमदाबाद	पी वी सी इंसूलेटिड केबल्स	694	-	-	1990

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3071.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	2891677	09.06.2014	Axis Solutions Pvt. Ltd. Plot No. 324, Road No. 5, GIDC Kathwada, Ahmedabad-382430	Explosive atmospheres part 1 equipment protection by flameproof enclosures "d"	IS/IEC 60079	1	-	2007
2.	2892477	16.06.2014	Kantam Plast 85 to 90 Shiv Shakti Estate V Tran Ni Gali Narol Cross Road, Narol, Ahmedabad	Chlorinated pvc pipes for potable hot and cold water distribution supplies	15778	-	-	2007
3.	2892073	17.06.2014	M/s. 4 K Beverages Plot No. 19-A, Kusampark, Village Atak Paradi, Tal. Valsad-396001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
4.	2892275	18.06.2014	Classick Pump 3/A, Paresch Estate, Opp. Soniya Ceramic Anil Starch Road, Naroda Road, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
5.	2892376	20.06.2014	Ganga Water 63, Gangotri Complex Opp. Mansa GIDC Tal. Mansa Gandhinagar, Mansa-382845	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
6.	2897790	20.06.2014	Shree Niloskar Pumps 263 & 264, Shubh Indl. Estate Near C L Vidhyalaya, Kathwada- Singerva Road, Ahmedabad-382430	Submersible pumpsets	8034	-	-	2002

1	2	3	4	5	6	7	8	9
7.	2892578	22.06.2014	Ami Mineral Water Plot No. A-1-163, GIDC Estate. Ankleshwar, AT Village Ankleshwar, natural mineral water) Bharuch, Ankleshwar-393002	Packaged drinking water (other than packaged Ankleshwar, natural mineral water)	14543	-	-	2004
8.	2892679	23.06.2014	Add-Life Engineers B/6, Prakash Ind. Estate, Nr. Rita Nagar, Vastral Road, Ahmedabad-382026	Openwell submersible pumpsets	14220	-	-	1994
9.	2892982	23.06.2014	Maruti Polymers A/29, Golden Park, Opp. GIDC Kadi-Kaol Road, Mahesana-382715	Conduits for electrical installations	9537	3	-	1983
10.	2893277	30.06.2014	Jai Balaji Electricals Shed No. 123, Aashirwad Indl. Estate, Naroda Road, Ahmedabad	PVC Insulated Cables	694	-	-	1990

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist-'F' & Head

नई दिल्ली, 17 नवम्बर, 2014

का.आ. 3072.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	3780370	मैसर्स रिलायेंस रबर इंडस्ट्रीज शेड नंबर सी-1/602, जी आई डी सी सारीगाम, ता. अंबरगाम, डि वलसाद-396155	ऑटोमोटिव विहीकलस - ट्यूब्स फॉर न्यूमैटिक टायर्स आई एस-13098:1991	30.06.2014

[सं. सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th November, 2014

S.O. 3072.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

S.No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	3780370	M/s. Reliance Rubber Industries Shed No. C-1/602. G.I.D.C. Sarigam, TA. Umbergam, Dist. Valsad-396155	Automotive Vehicles - Tubes for pneumatic Tyres IS 13098:1991	30.06.2014

[No. CMD/13:13]

Dr. S. L. PALKAR, Scientist 'F' & Head

शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 2014

का.आ. 3073.—भारतीय मानक ब्यूरो एतद्वारा भारत के राजपत्र, देखें एस.ओ. 1877 ई, दिनांक 19 जुलाई 2014 के भारतीय मानक ब्यूरो विनियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुपालन में भारत के राजपत्र असाधारण, भाग II, खंड 3 के उपखंड (ii) में प्रकाशित उपभोक्ता मामले विभाग, खाद्य एवं सार्वजनिक वितरण मंत्रालय के अंतर्गत भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करता है :—

(i) अधिसूचना की पंक्ति 3 में - “मानकों के विवरण, यदि कोई हों, जो कालम (4) में दिए गए हैं, जो कालम (5) में दर्शाई गई तिथि को रद्द किए जायेंगे”। को “मानकों के विवरण” यदि कोई हों, जो चौथे कालम में दिए गए हैं, को भी जब तक कि पाँचवें कालम में उनके सामने दर्शाई गई तिथि को रद्द नहीं किया जाता है, तो वे वर्तमान में भी जारी रहेंगे”, से प्रतिस्थापित करें।

(ii) अनुसूची के कालम (5) में - “30 जनवरी 2015” को “19 जुलाई 2014” से प्रतिस्थापित करें।

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : ETD 16/1 Gen/2014]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

CORRIGENDUM

New Delhi, the 15th October, 2014

S.O. 3073.—Bureau of Indian Standards hereby makes the following AMENDMENT to the NOTIFICATION of Government of India under the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) published in Part II, Section 3, sub-section (ii) of the Gazette of India, Extraordinary in pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, of the Gazette of India, vide S.O. 1877 E dated 19 July, 2014:

(i) In line 3 of NOTIFICATION - Substitute "The particulars of the standards, if any, which are given in column (4) shall be cancelled on the date indicated in column (5)." for "The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column."

(ii) In column (5) of schedule - Substitute "19 July, 2014" for "30 Jan., 2015".

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices :

Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. : ETD 16/1 Gen/2014]

KALA M. VARIAR, Director (Foreign Languages & Publication)

शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 2014

का.आ. 3074.—भारतीय मानक ब्यूरो एतद्वारा भारत के राजपत्र, एस.ओ. 1175 दिनांकित 15 मार्च, 2014, द्वारा भारतीय मानक ब्यूरो नियम, 1987, के भारत के राजपत्र के नियम 7 के उप-नियम (1) के खंड (ख) के अनुपालन में भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) में प्रकाशित उपभोक्ता, खाद्य एवं सार्वजनिक वितरण मंत्रालय (उपभोक्ता मामले विभाग) के अंतर्गत भारत सरकार की अधिसूचना में निम्नलिखित संशोधित करता है :

अनुसूची के कालम 5 के क्रमांक (1) -- “15 मार्च 2014” को “15 मई 2015” से प्रतिस्थापित करें।

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/STD-1]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

CORRIGENDUM

New Delhi, the 15th October, 2014

S.O. 3074.—Bureau of Indian Standards hereby makes the following AMENDMENT to the NOTIFICATION of Government of India under the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) published in the Part II, Section 3, sub-section (ii) of the Gazette of India, in pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, of the Gazette of India, vide S.O. 1175 dated 15 March, 2014:

In the Schedule, Sl. no. (i), Column 5 - Substitute "15 May 2015" for "15 March 2014".

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. : PUB/STD-1]

KALA M. VARIAR, Director (Foreign Languages & Publication)

नई दिल्ली, 28 अक्टूबर, 2014

का. आ. 3075.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं।

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	स्थापित तिथि
1.	आई एस 302 (भाग 1) : 2008	संशोधन संख्या 3 जुलाई 2014	28 अक्टूबर 2014
2.	आई एस 807 : 2006 (दूसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
3.	आई एस 1084 : 2005 (पांचवा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
4.	आई एस 1180 (भाग 1) : 1989 (तीसरा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
5.	आई एस 1180 (भाग 2) : 1989 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
6.	आई एस 1321 (भाग 1) : 2003 (चौथा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
7.	आई एस 1321 (भाग 1) : 2003 (चौथा पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
8.	आई एस 1417 : 1999 (तीसरा पुनरीक्षण)	संशोधन संख्या 5 अक्टूबर 2014	28 अक्टूबर 2014
9.	आई एस 3009 : 2002 (तीसरा पुनरीक्षण)	संशोधन संख्या 2 जुलाई 2014	28 अक्टूबर 2014
10.	आई एस 4084 : 1978 (पहला पुनरीक्षण)	संशोधन संख्या 3 अक्टूबर 2014	28 अक्टूबर 2014
11.	आई एस 4558 : 1995 (दूसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
12.	आई एस 6349 : 1981 (पहला पुनरीक्षण)	संशोधन संख्या 2 अक्टूबर 2014	28 अक्टूबर 2014
13.	आई एस 8674 : 2013/आई एस ओ 1969 : 2004 (तीसरा पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
14.	आई एस 9308 (भाग 1 से 3) (भाग 1) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
15.	आई एस 9308 (भाग 1 से 3) (भाग 2) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
16.	आई एस 9308 (भाग 1 से 3) (भाग 3) : 1987 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
17.	आई एस 9308 (भाग 4) : 1999	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
18.	आई एस 12948 : 1990	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
19.	आई एस 13501 : 1992	संशोधन संख्या 1 सितम्बर 2014	28 अक्टूबर 2014
20.	आई एस 14439 (भाग 2) : 1998	संशोधन संख्या 3 अक्टूबर 2014	28 अक्टूबर 2014
21.	आई एस 14812 : 2005 (पहला पुनरीक्षण)	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014
22.	आई एस 16176 : 2014	संशोधन संख्या 1 अक्टूबर 2014	28 अक्टूबर 2014

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110 002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी,

हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/GN-1: 4]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 28th October, 2014

S.O. 3075.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 302 (Part 1) : 2008 Safety of Household and Similar Electrical Appliances Part 1 General Requirements	Amendment No. 3 July 2014	28 October 2014
2.	IS 807 : 2006 Design, Erection and Testing (Structural Portion) of Cranes and Hoists - Code of Practice (Second Revision)	Amendment No. 1 October 2014	28 October 2014
3.	IS 1084 : 2005 Textiles - Manila Ropes - Specification (Fifth Revision)	Amendment No. 2 October 2014	28 October 2014
4.	IS 1180 (Part 1) : 1989 Outdoor Type Three-Phase Distribution Transformers Up to and Including 100 KVA 11 KV Part 1 Non-Sealed Type (Third Revision)	Amendment No. 2 October 2014	28 October 2014
5.	IS 1180 (Part 2) : 1989 Outdoor Type Three-Phase Distribution Transformers Up to and Including 100 KVA 11 KV Part 2 Sealed Type (First Revision)	Amendment No. 1 October 2014	28 October 2014
6.	IS 1321 (Part 1) : 2003 Sisal Ropes Part 1 Untarred Varieties (Fourth Revision)	Amendment No. 1 October 2014	28 October 2014
7.	IS 1321 (Part 1) : 2003 Sisal Ropes Part 1 Untarred Varieties (Fourth Revision)	Amendment No. 2 October 2014	28 October 2014
8.	IS 1417 : 1999 Gold and Gold Alloy, Jewellery/Artefacts - Fineness and Marking - Specification (Third Revision)	Amendment No. 5 October 2014	28 October 2014
9.	IS 3009 : 2002 Brushes, Shoe Polishing - Specification (Third Revision)	Amendment No. 2 July 2014	28 October 2014
10.	IS 4084 : 1978 Specification for Eyelets and Washers (SAIL) (First Revision)	Amendment No. 3 October 2014	28 October 2014

1	2	3	4
11.	IS 4558 : 1995 Under-Drainage of Lined Canals-Code of Practice (Second Revision)	Amendment No. 1 October 2014	28 October 2014
12.	IS 6349 : 1981 Specification for Tape, Nylon, Tuular for Aerospace Applications (First Revision)	Amendment No. 2 October 2014	28 October 2014
13.	IS 8674 : 2013/ISO 1969 : 2004 Fiber Ropes - Polyethylene - 3- and 4- Strand Ropes (Third Revision)	Amendment No. 1 October 2014	28 October 2014
14.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 1 Bristle Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
15.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 2 Mattress Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
16.	IS 9308 (Parts 1 to 3) : 1987 Specification for Mechanically Extracted Coir Fibers Part 3 Decorticated Coir Fibre (First Revision)	Amendment No. 1 October 2014	28 October 2014
17.	IS 9308 (Part 4) : 1999 Mechanically Extracted Coir Fibers - Specification Part 4 Machine Twisted Curled Coir Fiber	Amendment No. 1 October 2014	28 October 2014
18.	IS 12948 : 1990 Tungsten Halogen Lamps (Non - Vehicle) - Specification	Amendment No. 1 October 2014	28 October 2014
19.	IS 13501 : 1992 Textiles - Determination of Flammability by Oxygen Index	Amendment No. 1 October 2014	28 October 2014
20.	IS 14439 (Part 2) : 1998 Legal Metrology - Gas Volume Meters Part 2 Diaphragm Gas Meters	Amendment No. 3 October 2014	28 October 2014
21.	IS 14812 : 2005 Automotive Vehicles - Rear Under - Run Protective Device - General Requirements (First Revision)	Amendment No. 1 October 2014	28 October 2014
22.	IS 16176 : 2014 Ratchet Pipe Threader for Taper Pipe Threads (R-Series)-Specification	Amendment No. 1 October 2014	28 October 2014

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi. On line purchase of Indian standard can be made at :<http://www.standardsbis.in>.

[Ref. : PUB/GN-1:4]

KALA MADHAVI VARIAR, Director (Foreign Languages & Publications)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3076.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक(कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
1.	आईएस 7620 (भाग 1) : 1986 चिकित्सकीय विद्युत उपकरण डायग्नोस्टिक एक्स-रे उपकरण भाग 1 यांत्रिकीय एवं विद्युत सुरक्षा अपेक्षाएं (पहला पुनरीक्षण) 3 संशोधन के साथ	26 नवम्बर, 2014	NA	NA

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकत्ता, चण्डीगढ़, चेन्नै, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, पटना, पूणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : PUB/GN-1/E]

कला एम. वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 26th November, 2014

S.O. 3076.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Establishment	No. & Year of the Indian Standards to be cancelled, if any	Date of cancellation
1.	IS 7620 (Part 1) : 1986 Medical Electrical Equipment - Diagnostic X-Ray Equipment Part 1 Mechanical and Electrical Safety Requirements (First Revision) with Three Amendments	26 November, 2014	NA	NA

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi - 110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref: PUB/GN-1/E]

KALA M. VARIAR, Director (Foreign Languages & Publication)

कोयला मंत्रालय

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3077.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त होने की संभावना है;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र में अंतर्विष्ट करने वाला रेखांक संख्यांक आरईवी/10/2014, तारीख 07 जून, 2014 का निरीक्षण सेंट्रल कोलफील्ड्स लिमिटेड (भूमि और राजस्व विभाग), दरभंगा हाउस, रांची-834029 (झारखण्ड) के कार्यालय में या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड्डा, जिला हजारीबाग (झारखण्ड) के कार्यालय में या उपायुक्त, जिला हजारीबाग, झारखण्ड या महाप्रबंधक (खोज प्रभाग) आरआई-III, सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीच्यूट लिमिटेड, गोंदवाना प्लेस, कांके रोड, रांची (झारखण्ड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कोलकाता-700001, के कार्यालय में किया जा सकता है।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति—

- उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या संभावित क्षति अधिनियम की धारा 6 के अधीन किसी नुकसानी के लिए प्रतिकर का दावा कर सकेगा; या
- उक्त अधिनियम की धारा 13 की उप-धारा (1) के अधीन समाप्त हो गई पूर्वोक्त अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन समाप्त हो गए खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मर्दों के संबंध में उपगत व्यय को उपदर्शित करने के लिए उक्त भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को सुपुर्द करेगा;

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड्डा, जिला हजारीबाग (झारखण्ड) या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, दरभंगा हाउस, रांची-834029 (झारखण्ड) को सुपुर्द करेगा।

अनुसूची

चानो रिकबा विवृत परियोजना

जिला-चतरा, झारखण्ड

(रेखांक संख्यांक आरईवी/10/2014, तारीख 7 मई, 2014)

सभी अधिकार

क्र. सं.	ग्राम	थाना	थाना संख्या	जिला	क्षेत्र एकड़ में (लगभग)	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1.	खपिया	माण्डू	29	हजारीबाग	615.32	249.12	भाग
2.	कुरा	माण्डू	30	हजारीबाग	628.24	254.35	भाग
3.	रिकबा	माण्डू	31	हजारीबाग	433.85	175.65	भाग
4.	कनकी	माण्डू	47	हजारीबाग	50.19	20.32	भाग
कुल क्षेत्र : 1727.60 एकड़ (लगभग)							
या 699.44 हेक्टेयर (लगभग)							

सीमा वर्णन :

क-ख-ग-घ रेखा, बिन्दु 'क' से आरम्भ होती है और ग्राम, कुरा, रिकबा, खपिया और कनकी के भाग से गुजरती हुई बिन्दु 'घ' पर मिलती है।
 घ-ङ-च रेखा, बिन्दु ग्राम, कनकी खपिया, के भाग से गुजरती हुई बिन्दु 'च' पर मिलती है।
 च-छ-ज-झ रेखा, बिन्दु ग्राम, खपिया, कुरा, किरबा के भाग से गुजरती हुई बिन्दु 'झ' पर मिलती है।
 झ-क रेखा, बिन्दु ग्राम, खपिया, कुरा के भाग से गुजरती हुई आरम्भिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/9/2014-पीआरआईडब्ल्यू-I]

दोमिनिक डुंगडुंग, अवर सचिव

MINISTRY OF COAL

New Delhi, the 2nd December, 2014

S.O. 3077.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/10/2014, dated the 7th May, 2014 of the areas covered by this notification may be inspected at the office of the Central Coalfields Limited (Land and Revenue Department), Darbhanga House, Ranchi- 834029 (Jharkhand) or at the office of the General Manager, Central Coalfields Limited, Argada, District-Hazaribagh (Jharkhand), or at the office of the Deputy Commissioner, District - Hazaribagh, Jharkhand or at the office of the General Manager (Exploration Division), RI- III, Central Mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, 1, Council House Street, Kolkata- 700 001.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development), Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal in land described in the aforesaid Schedule.

Any person interested in the land described in the afore mentioned Schedule may -

- (i) claim compensation under sub-section (1) of Section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- (ii) claim compensation under sub-section (1) of Section 13 of the said Act in respect of prospecting licence ceasing to have effect or under sub-section (4) of Section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of Section 13 of the said Act, to the office of the General Manager, Central Coalfields Limited, Argada, District Hazaribagh (Jharkhand) or the General Manager, Central Coalfields Limited, Land and Revenue Department, Darbhanga House, Ranchi-834029 (Jharkhand) within ninety days from the date of publication of this notification in the official gazette.

SCHEDULE

Chano Rikba Opencast Project

District- Chatra, Jharkhand

(plan bearing number Rev/10/2014, dated the 7th May, 2014)

All Rights:

Sl. No.	Village	Thana	Thana number	District	Area in acres (approximately)	area in hectares (approximately)	Remarks
1.	Khapia	Mandu	29	Hazaribagh	615.32	249.12	Part
2.	Kura	Mandu	30	Hazaribagh	628.24	254.35	Part
3.	Rikba	Mandu	31	Hazaribagh	433.85	175.65	Part
4.	Kanki	Mandu	47	Hazaribagh	50.19	20.32	Part

Total area : 1727.60 acres(approximately)
or 699.44 hectares (approximately)

Boundary description:

- A-B-C-D Line starts from 'A' passes through part of the village of Kura, Rikba, Khapia and Kanki and meets at point 'D'.
- D-E-F Line passes through part of village Kanki Khapia and meets at point 'F'.
- F-G-H-I Line passes through part of village Khapia, Kura, Rikba and meets at point 'I'.
- I-A Line passes through part of village Khapia, Kura and meets at starting point 'A'.

[F.No. 43015/9/2014-PRIW-I]

DOMINIC DUNG DUNG, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3078.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 86/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/105/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th November, 2014

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/105/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI,
Presiding Officer

Dated the 7th August, 2014

INDUSTRIAL DISPUTE No. 86/2013**Between:**

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherla,
Adilabad-504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231

....Respondent

Appearances:

For the Petitioner: Nil

For the Respondent: Nil

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/105/2013-IR(CM-II) dated 5/9/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Shri Bandi Shankar, Ex-Coal Filler, KK-5 Inc., SCCo Ltd., Mandamarri Area with effect from 28.08.1999 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 86/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidenceWitnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3079.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 42/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/8/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/8/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi, Presiding Officer

Dated : The 9th September, 2014

INDUSTRIAL DISPUTE No. I.D. 42/2013

Between:

The President,
(Sri Bandari Satyanarayana)
Telangana Trade Union Council
H.No. 5-295, Indira Nagar,
Opp. Bus Stand, Mancherial,
Adilabad Dist.-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri,
Adilabad Dist.-504231 Respondent

Appearances:

For the Petitioner: Party in person

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi P., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/8/2013-IR(CM-II) dated 3.4.2013 referred the following dispute between the management of M/s. Singareni Collieries Company Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is :

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating

the services of Shri Komma Ramulu, Ex-Coal Filler, Shantikhani, Mandamarri Area with effect from 18.06.2005 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 42/2013 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. In spite of giving fair opportunity Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3080.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 28/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/244/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/244/2012-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present :** Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 9th day of September, 2014

INDUSTRIAL DISPUTE No. 28/2013**Between:**The President,
(Bandari Satyanarayana)
Telangana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner**AND**The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231Respondent**Appearances:**For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/244/2012-IR(CM-II) dated 19/9/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is :

SCHEDULE

"Whether the action of Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Shri Jogula Satyanarayana, Ex-Coal Filler, KK-5 Inc., Mandamarri Area with effect from 16.09.2003 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 28/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair opportunity, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 80/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/200/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/2013) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/200/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present :** Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 13th August, 2014

INDUSTRIAL DISPUTE No. 80/2012**Between:**

The President, (Bhandari Satyanarayana) Telangana Trade Union Council (TNTUC) H.No. 5-295, Indiranagar, Opp. Bus Stand, Mancherial, Adilabad-504208 Petitioner
--	-----------------

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur,
Adilabad District-504303Respondent

Appearances:

For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/200/2012-IR(CM-II) dated 30/11/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is :

SCHEDULE

"Whether the action of Chief General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Sreerampur, Adilabad Dist., in terminating the services of Shri Gogu Pentaji, Ex-Coal Filler, Chennur-2 Inc., SCCL Sreerampur Area with effect from 28.04.2004 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 80/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair opportunity, again and again Petitioner is not taking any interest in the proceeding and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3082.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 79/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/201/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/201/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated : the 13th day of August, 2014

INDUSTRIAL DISPUTE No. 79/2012

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council (TNTUC)
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur,
Adilabad District-504303Respondent

Appearances:

For the Petitioner: Party in person
For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi P., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/201/2012-IR(CM-II) dated 30/11/2012

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Sreerampur, Adilabad Dist., in terminating the services of Shri Kalluri Shankaraiah, Ex-Coal Filler, Chennur-1 & IA Inc., SCCL Sreerampur Area with effect from 25.01.2001 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 79/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, again and again Petitioner is not taking any interest in the proceeding and is not making any claim. In the circumstances, taking that petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3083.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 37/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/101/2012-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 37/2012 of the Cent. Govt. Indus, Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/101/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 37/2012

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancheril,
Adilabad-504208

.... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292

....Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/101/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Ippa Rayamallu, Ex-Badli Filler, MVK-5 Inc., SCCL Bellampalli Area with effect from 28.03.1995 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 37/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3084.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 36/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/99/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/99/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 36/2012

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208

.... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292

....Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/99/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Avunoori Thirupathi, Ex-Badli Filler, Goleti-1 Inc., SCCL Bellampalli Area with effect from 7.12.1999 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 36/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3085.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 35/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/98/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/98/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 35/2012**Between:**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,

Opp. Bus Stand, Mancherial,
Adilabad-504208 Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/98/2012-IR(CM-II) dated 23/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Bandari Rayalingu, Ex-Badli Filler, Goleti-1 Inc., SCCL Bellampalli Area with effect from 08.01.2000 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 35/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

AWARD

का.आ. 3086.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 34/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं.एल-22012/103/2012-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2012) of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/103/2012-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present : Smt. M. Vijaya Lakshmi,
Presiding Officer

The 9th day of September, 2014

INDUSTRIAL DISPUTE No. 34/2012**Between:**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherla,
Adilabad-504208

.... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292

....Respondent

Appearances:

For the Petitioner: Party in person.

For the Respondent: M/s. P.A.V.V.S. Sarma &
Vjaya Laxmi Panguluri,
Advocates

The Government of India, Ministry of Labour by its order No. L-22012/103/2012-IR(CM-II) dated 12/07/2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Mancherla Chandraiah, Ex-Coal Filler, MVK-5 Inc., SCCL Bellampalli Area with effect from 04.10.2001 is justified or not? To what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 34/2012 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving opportunity, Petitioner is not taking interest in the proceeding and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidenceWitnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3087.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं. 4/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/155/2011-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 4/2012 of the Cent. Govt. Indus, Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of M/s Neyveli Lignite Corporation Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/155/2011-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT CHENNAI

Wednesday, the 12th November 2014

Present : K.P. PRASANNA KUMARI,
Presiding Officer

INDUSTRIAL DISPUTE No. 4/2012

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation and their workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
NLC Workers Solidarity
Union A-2, Screw Lane,
Block-11 Neyveli-607803

And

The Director/HR : 2nd Party/Respondent
Neyveli Lignite
Corporation Ltd.
Corporate Office
Neyveli-607801

Appearance:

For the 1st Party/Petitioner : M/s R. Prabhakaran,
Union Advocates

for the 2nd Party/Repondent: M/s T.S. Gopalan, & Co.,
Advocate

AWARD

The Central Government Ministry of Labour & Employment vide its Order No. L-22012/155/2011-IR (CM-II) dated 11.01.2012 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is;

"Whether the action of the management of NLC Ltd. in removing from the rolls the name of Sri M.

Selvaraj, Senior Technician Grade-I, Employee No. 31648 is legal and justified? To what relief the concerned workman is entitled to?

2. On receipt of the Industrial Dispute thiis Tribunal has numbered it is ID 4/2012 and issued notice to both side. Both sides have entered appearance through their counsel and filed Claim and Counter Statement respectively.

3. The case was being posted for enquiry repeatedly. However, the petitioner has not been willing to proceed with the enquiry. Neither the petitioner nor the counsel hav been appearing before the Court. In spite of repeated postponements the petitioner has not appeared before the Court to tender evidence. Not material is available before this Court to justify the case of the petitioner. So the reference is to be answered against him.

4. For the foregoing reasons, the reference is answered against the petitioner.

An award is passed accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined :

For the 1st Part/Petitioner Union : None

For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
	Nil	

On the Management's side

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3088.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 19/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/180/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 19/2014 of the Cent. Govt. Indus, Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/180/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI,
Presiding Officer

Dated the 16th September, 2014

INDUSTRIAL DISPUTE No. 19/2012

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade
Union Council
H. No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad-504208.

....Petitioner

And

The General Manager
M/s. Singareni Collieries
Company Ltd.,
Mandamarri Area,
Mandamarri, Adilabad
District-504231.

....Respondent

Appearances:

For the Petitioner : Party in person

For the Respondent: Party in person

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/180/2013-IR(CM-II) dated 28.1.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Salluri Rayaposham, Ex-Coal Filler, KK-5A Inc., Mandamarri Area with effect from 31.3.1997 is justified? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 19/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3089.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एस.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय न० 2, धन्बाद के पंचाट (संदर्भ संख्या 47/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 42012/80/2004-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 47/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Central Silk Board, and their workmen, received by the Central Government on 27/11/2014.

[No. L-42012/80/2004 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 47 OF 2005.

PARTIES : Sh.Shiv Shankar Pandey,
Village & PO : Kathi Kund,
Dist : Dumka

Vs.

The Asstt.Director,
Central Silk Board, Kathi Kunda,
Dist; Dumka (Jharkhand).

Ministry's Order No L-42012/80/2004-IR (CM-II)
dt. 04.04.2005

APPEARANCES :

On behalf of the workman/Union : Mr. U. N. Lal
Ld. Advocate

On behalf of the Management : Mr. N. N. Sinha,
Ld. Advocate

State : Jharkhand Industry : Textile Industry

Dated, Dhanbad, the 20th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on then under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-42012 /80/2004-IR (CM-II) dt.04.04.2005.

SCHEDULE

"Whether the action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organization, Kathi Kunda, Dumka (Jharkhand) in terminating the services of Shri Shiv Shankar Pandey, Casual Labour without complying the provisions of ID. Act is legal and justified? If not, to what relief the workman is entitled?"

On receipt of the Order No L-42012 /80/2004-IR (CM-II) dt. 04.04.2005 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 47 of 2005 was registered on 26.04.2005 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of Sri Shiv Shankar Pandey is that he had been working as the Night Guard at the Basic Seed, Multiplication & Training Centre, Kathikund in Dumka under the Central Tasar Research & Training Centre, Kathikunda in Dumka under the Central Tasar Reasarch & Training Institute, Central Silk Board, Government of India, from 1.10.1982 to 15.8.1985. In course of service, he had fallen sick so he had been under treatment of the Medical Officer, which was time to time intimated of his physical condition to the Asst. Director, Central Silk Board, Kathikunda, Dumka. The Management assured him of resumption of his duty on recovery. But on 24.8.2001 when he had gone to the Asst. Director for resumption of his duty on declaration of fitness, he was not allowed to do so, and was informed of his termination of the service without giving any opportunity as per the provision of the I.D.Act., 947. Finally, he raised the Industrial Dispute before the AL.C.(C), Patna but its failure in conciliation on 27.3.2004 due adamant attitude of the Management resulted in the reference for the adjudication. He had also filed a Writ petition before the Hon'ble Patna High Court, Patna for getting the matter entrusted to the CGIT for adjudication. The action of the Management in terminating his employment is not just and reasonable.

The workmen in his rejoinder has specifically denied all the allegations as incorrect, further alleging that he had been engaged for a pretty long time ; so after completion of 240 days work, he had the claim for regularization/further engagement for livelihood.

3. Whereas having categorically denied the allegations of the workman, the O.P./Management has challenged the maintainability of the Industrial dispute as no I.D under of Sec.2A of the Act, stating that the person is not an employee of the Central Silk Board, Kathikund, Dumka, as he was never appointed in any capacity by B.S.M.S.T.C., B.T.S.S.O. Central Silk Board, Kathikunda, Dumka (Jharkhand), At any vacancy except in casual for any post in the office of the Management, it is filled as per the recruitment prescribed rules/regulations of the Government of India, under which no branch of Silk Board is empowered to appoint any person in the employment. So no question arises either for his regularization in service or in his termination. At times, the O.P./Management had casually employed some casual labourers as daily wages for 30 to 35 days as whenever required for safety of silk worms against the insects and pests predators during the rearing period of the silk worms. The Silk Board has no rule to regularize any casual /daily rated person in the service.

In their rejoinder as well, the O.P./Management has categorically denied all the allegations of the person concerned as baseless and absurd in particular about his treatment for Malaria for 16 years from 14.11.1984 to 20.8.2001 just as his alleged fitness for resumption of duty on 24.8.2001. It also falsifies the claim for his regular

working from 1.10.1982 to 15.8.1985. The person concerned is not entitled to any relief whatsoever.

FINDING WITH REASONS

4. In the instant case, WWI Shiv Shankar Pandey as the workman himself, and MWI Suraj Pal, the Scientist, and MW2 Kishore Kumar Sharma, for the O.P./Management have been examined respectively.

From the perusal of the materials on the case record, it appears the fact beyond the dispute that the workman was a daily wager who worked as the night Guard for the period 01.10.1982 to 15.8.1985 during which he never worked for 30 days in any month. He was neither a temporary workman nor a permanent one. He was not dismissed.

Mr. U.N.Lal, Larned Advocate for the workman submits that the workman was a casual worker for the relevant period but due to his suffering from Malaria as apparent from his medical treatment for 15 years (Extt. W.1 Series) he had been under medical treatment all along intimating of it to the Management. On his recovery, when he went to resume his duty, he was not allowed to do so, thus he is entitled to reinstatement.

Whereas Mr. N.N. Sinha, Ld. Advocat for the O.P./Management has vociferously contended that the workman was never an employee of the O.P./Management, so no question arises as to his retrenchment, as he was out and out a casual seasonal work for the period 1982 to 1985 and thereafter his long absence for malaria stopped him to be a casual worker, so he deserves no relief whatsoever.

In view of the aforesaid facts, I find that the workman was total a seasonal casual daily wager for temporary relevant period; thus he was never a regular worker during the period concerned. The fact of termination does not apply to a casual labour like the instant workman who has never been in continuous service for 240 days during a period of twelve calendar months preceding the date with the present reference as laid down under Sec., 25. of the Industrial Dispute Act 1947. The case of the workman has no merits whatsoever.

5. In result, it is hereby responded, and accordingly awarded that since workman Shiv Shankar Pandey as a casual labour had not been in continuous service for requisite period of 240 days in twelve months of the calendar year preceding the date of the reference, no question arises as to the alleged action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organization Central Silk Board, Kahikunda, Dumka (Jharkhand) to terminate the alleged service of the work, nor it arises whether it is legal and justified. Hence, the workman is not at all entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3090.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 10/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/164/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/164/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 10/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/164/2013-IR(CM-II) dated 9/12/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Nagula Venkataswamy, Ex-Coal Filler, Goleti-2 Inc., SCCL, Bellampalli Area with effect from 9.1.1997 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 10/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3091.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 9/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/163/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/163/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 9/2014

BETWEEN :

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri-504231
Adilabad District

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/163/2013-IR(CM-II) dated 9/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Enagandula Ankaiah, Ex- Badli Filler, MK-4 Inc., Mandamarri Area, with effect from 23.3.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 9/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL	NIL
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Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3092.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 7/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/166/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/166/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 7/2014

BETWEEN :

The President, (Bhandari Satyanarayana) Telengana Trade Union Council H.No.5-295, Indiranagar, Opp. Bus Stand, Mancherla, Adilabad - 504208Petitioner
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AND

The General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad District-504292.Respondent
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APPEARANCES :

For the Petitioner :	NIL
For the Respondent :	Sri V. S. V. S. R. K. S. Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/166/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Penukula Chandraiah, Ex- General Mazdoor, MVK-5 Inc., SCCo Ltd., Bellampalli Area, with effect from 20.10.1996 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 7/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 8/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/167/2013-आई. आर. (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/167/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 8/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/167/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Mohammad Jani, Ex-Coal Filler, MVK-6 Inc., SCCo Ltd., Bellampalli Area, with effect from 10.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 8/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3094.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 5/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/169/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/169/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 5/2014

BETWEEN :

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/169/2013-IR(CM-II) dated 17/12/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Samudrala Shankar, Ex-Coal Filler, SMG-1 Inc., Mandamarri Area, with effect from 5.4.1999 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 5/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 6/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/168/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3095.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 6/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/168/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 6/2014

BETWEEN

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township,
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/168/2013-IR(CM-II) dated 17/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Shri Banoth Devudu, Ex-Badli Filler, Goleti 2 Inc., SCCo Ltd., Bellampalli Area with effect from 29.1.1997 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 6/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the

notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 4/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/162/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3096.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/162/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 4/2014

BETWEEN

The President,
(Bhandari Satyanarayana)

Telangana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.

....Respondent

APPEARANCES :

For the Petitioner : NIL

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/162/2013-IR(CM-II) dated 9/12/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is.

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Abdul Rahman, Ex-Badli Filler, MK-5A Inc., Mandamarri Area, with effect from 9.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 4/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Sri J. Vijaya Sarathi, UDC and corrected by me on this the 7th day of August, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 150/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/24/1999-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 150/1999) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s Nimcha Colliery, Satgram Coalfields Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/24/1999-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: SRI PRAMOD KUMAR MISHRA,
Presiding Officer

REFERENCE NO. 150 OF 1999

PARTIES: The management of Nimcha Colliery, Satgram Coalfields Ltd., ECL.

Vs.

Sri Sitaram Nonia

REPRESENTATIVES :

For the management: Shri P. K. Goswami, Ld. Advocate,
ECL

For the union (Workman): Shri Rakesh Kumar, Gen. Secy.,
KMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 11.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter NO. L-22012/24/99/IR(CM-II) dated 31.08.1999 / 08.09.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Nimcha Colliery, Satgram Coalfields Ltd. by forcefully superannuating Sh. Sitaram Nonia, Wagon Loader on 02.03.1997 and not considering the mid point of the age assessed by the Apex Medical Board on 13.02.1998 is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order NO. L-22012/24/99/IR (CM-II) dated 31.08.1999 / 08.09.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 150 of 1999 was registered on 23.09.1999 / 08.10.2001 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri Rakesh Kumar, representative of the union appears and submits that the case may be closed as the union/workman does not want to proceed with the case further. None appears on behalf of the management. Since the union/workman does not want to proceed with the case further and the reference is too old. I think it wise to close the case. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 3/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/158/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court,

Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/158/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 3/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township, (P.O.)
Adilabad District-504292.Respondent

APPEARANCES :

For the Petitioner : Party in person
For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/158/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Kanukula Ravinder, Ex-Coal Filler, Goleti-2 Inc., SCC Ltd., Bellampalli Area with effect from 21.1.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 3/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 2/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/161/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/161/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 2/2014

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.)
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V. S. V. S. R. K. S.
Prasad, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/161/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O.), Adilabad Dist., in terminating the services of Sri Pochapalli Yellaiah, Ex-Timberman, Goleti-1 Inc., SCC Ltd., Bellampalli Area with effect from 5.6.2004 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 2/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 1/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/156/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/156/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 1/2014**BETWEEN**

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504231.Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Party in person

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/156/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Salluri Rayaposham, Ex-Coal Filler, KK-5A Inc., Mandamarri Area with effect from 31.3.1997 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 1/2014 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल.

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 105/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/160/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/160/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 105/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/160/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between

the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Ramchetty Posham, Ex-Coal Filler, MVK-1 Inc., SCC Ltd., Bellampalli Area with effect from 11.10.1998 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 105/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 103/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 22012/157/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 103/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/157/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 103/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

.....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/157/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Pudari Lochagoud, Ex-Coal Filler, MVK-5 Inc., SCC Ltd., Bellampalli Area with effect from 5.1.1995 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 103/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. Inspite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 102/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल. 22012/150/2013-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/150/2013-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 16th day of September, 2014

INDUSTRIAL DISPUTE No. 102/2013

BETWEEN

The President,
(Bandari Satyanarayana)
Telengana Trade Union Council
H.No. 5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli Area, Goleti Township (P.O.),
Adilabad District-504292.

....Respondent

APPEARANCES:

For the Petitioner : Party in person

For the Respondent : Sri V.S.V.S.R.K.S. Prasad,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/150/2013-IR(CM-II) dated 11/11/2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township (P.O.), Adilabad Dist., in terminating the services of Sri Katepally Shankar, Ex-Coal Filler, Goleti-1 Inc., SCC Ltd., Bellampalli Area with effect from 5.4.2005 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 102/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of giving fair chance, Petitioner is not taking interest in the proceedings and is not making any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, P.A. and corrected by me on this the 16th day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 16/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/187/2004-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Lacchipur Colliery, M/s Eastern Coalfields Ltd., and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/187/2004-IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
ASANSOL**

Present : Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE No. 16 of 2005

PARTIES : The management of Lacchipur Colliery under Kajora Area, ECL

Vs.

Late Ramnath Mahato

REPRESENTATIVES :

For the management : Sri P. K. Das, Ld. Advocate

For the Union (Workman) : Sri Rakesh Kumar, General Secretary

Industry : Coal State :- West Bengal

Dated :- 10.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/187/2004-IR(CM-II) dated 30.03.2005 has been

pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Lacchipur Colliery, Kajora Area of M/s. Eastern Coalfields Limited in not providing employment to the dependent of Late Ramnath Mahto, Winding Engine Operator, U.M. No.568592 is legal and justified? If not, to what relief the dependent of the deceased workman is entitled?"

Having received the Order NO. L-22012/187/2004-IR(CM-II) dated 30.03.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 16 of 2005 was registered on 12.04.2005. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

Dependent of workman Sri Vinod Kumar Mahto has stated in written statement that Late Ramnath Mahato ex-Winding Engine Operator was a permanent employee of the company, posted at Lacchipur Colliery under Kajora Area of ECL who died while he was in service. As per provision of wage agreement / NCWA VI one of the dependent of deceased employee is entitled for employment. Accordingly wife of deceased employee claimed for employment to her son-in-law Sri Vinod Kumar Mahto. Wife of deceased employee have no male issue. She is not willing to join in lieu of her late husband because of her old age and her illness. She has no objection for providing employment to her son-in-law. All necessary required documents are submitted to the management for providing employment to dependent son-in-law. Management of the colliery processed the proposal and after screening at colliery level sent the file to Kajora Area office. At Kajora Area office also screening was done. After medical examination at Area Hospital employment proposal was sent to ECL Head Quarter, which is still lying pending. Sri Vinod Kumar Mahto is not having any other source of income. He was fully dependent on earnings of his father-in-law and he was residing with his father in law because Late Ramnath Mahato was not having son. Late Ramnath Mahato has only two daughters. The management provides employment to hundreds of cases earlier even now dependents are joining duty. The management of ECL neither regretted the employment proposal not provided employment to the dependent till date. Dependent son-in-law of Late Ramnath Mahato is entitled to get the

employment. It has been prayed Sri Vinod Kumar Mahato, the dependent son in law of Late Ramnath Mahato should be provided employment from the date of his application for employment and till such time the wife of Late Ramnath Mahato should be paid maintenance allowance to maintain her livelihood with all other consequential benefits.

The then Presiding Officer has provided more than 20 opportunities to file written statement but even then management has not field any written statement.

Union on behalf of workman has filed 15 photo copies of documents. Management has not filed any documents. Union has filed affidavit of Smt. Dhanmati Devi wife of Late Ramnath Mahato, ex-Winding Engine Operator, Sri Vinod Kumar Mahto son-in-law of Late Ramnath Mahato. Management has not filed any affidavit.

I have heard the argument of Sri Rakesh Kumar on behalf of the union/workman and Sri P. K. Das Ld. Advocate on behalf of the management.

Sri P. K. Das Ld. Adv. on behalf of the management has argued that appointment on compassionate ground can not be claimed as a matter of right. Now married daughter is also entitled for employment. Therefore when married daughter is entitled for employment then son-in-law of late Ramnath Mahato is not entitled for employment. He has place reliance on case laws; MGB Gramin Bank Vs. Chakrawarti Singh, 2013 (139) FLR 469, S.C. & State of Gujrat and others Vs. Arvindkumar T. Tiwari and another, 2012 (135) FLR 560, S.C. On other hand Sri. Rakesh Kumar has argued those case law are not applicable for present reference. Sri Vinod Kumar Mahto being dependent son-in-law is eligible for employment. He resides in the house of his deceased father-in-law Late Ramnath Mahato.

The copy of letter of Agent of Lacchipur Colliery addressed to ALC(C), Raniganj has been filed by the union. Again Lacchipur Colliery has admitted that Late Ramnath Mahato U.M. No. 568592 was Winding Engine Operator who expired on 11.02.2002. He has also admitted that employment proposal in respect of Sri Vinod Kumar Mahto, son-in-law of Late Ramnath Mahato is pending for finalization. Death Certificate paper No. W.E.-I & W.E.-II has been filed by the union. It is clear from these that Late Ramnath Mahato has expired on 11.02.2002 in Central Hospital, Kalla, ECL. Union has filed letter of Smt. Dhanmati Devi wife of Late Ramnath Mahato requesting employment to her son-in-law Sri Vinod Kumar Mahto in lieu of job of her deceased husband. She is facing financial crisis. The copy of letter of Sri Vinod Kumar Mahto is addressed to management of Lacchipur Colliery, ECL has been filed in which Sri Vinod Kumar Mahto has requested to provide employment in lieu of job of his father-in-law Late Ramnath Mahato. Sri Binod Kumar Mahto is son-in-law and dependent of Late Ramnath Mahato, this has been certified by 'Khand

Bikash Adhikari' and member of Bidhan Sabha, copy of this certificate has been filed. The marriage registration certificate has been issued by Registrar Hindu Marriage, dist: Burdwan. It is apparent from this documents Sri Vinod Kumar Mahto son of Sri Ram Udit Mahato has been married to Smt. Kalyani Devi daughter of Late Ramnath Mahato. The copy of letter of Smt Rinku Devi, second daughter of Late Ramnath Mahato has been filed. Smt. Rinku Devi has no objection in providing job to Sir Vinod Kumar Mahto son-in-law of Late Ramnath Mahato. Smt. Dhanmati Devi by affidavit has supported the facts contained in the written statement. Sri Vinod Kumar Mahto and Smt. Kalyani Devi wife of Sri Vinod Kumar Mahto and daughter of Late Sri Ramnath Mahato stated in their affidavit that Sri Vinod Kumar Mahto has no other source of income. He has to look after his mother-in-law. Sri Vinod Kumar Mahto resides in the house of Smt. Dhanmati Devi as 'Ghar Jamai'. This witness has been cross-examined. In cross-examination they also supported the facts stated in affidavit. Union has filed the Xerox copy Voter ID cards of Sri Vinod Kumar Mahto, Smt. Kalyani Devi and Smt. Dhanmati Devi, addresses of these three persons are same in all the Voter ID cards.

NCWA VI settlement is an agreement between the union and management of Eastern Coalfields Limited. As per rule 9.3.3 the dependent son-in-law residing with late employee Sri Ramnath Mahato and almost wholly dependent on the earning of the employee may be considered for employment.

Section 2 (p) of Industrial Dispute Act, 1947, settlement has been defined:

" 'Settlement' means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to [an officer authorized in this behalf by the appropriate Government and the conciliation officer; (Ins. by Act 35 of 1965)]."

Section 18 of Industrial Dispute Act, 1947 provides:

"A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement (Ins. by Act 36 of 1956, S.13 (w.e.f. 07.10.1956))."

Hon'ble Kerala High Court in *The Indian Rare Earths Ltd., Mumbai and another Vs. Jayabindu*, 2014 LAB. I.C. 452, has observed that entitlement on compassionate ground has to be considered as per schemes available as on date of submission of applications. The settlement is effective before the death of the deceased workman. Therefore in view of the hon'ble Kerala High Court, Sri Vinod Kumar Mahto dependent son-in-law of Late Ramnath Mahato is entitled for employment in lieu of

employment of Late Ramnath Mahato as per NCWA VI settlement.

State of Gujrat and others Vs. Arvindkumar T. Tiwari and another, 2012 (135) FLR 560, S.C. The facts of this case is that in this case son of deceased Asst. Sub-Inspector applied for employment in Police department on compassionate ground for the post of peon. But he was not qualified for the post.

I am in respectful agreement with the proposition of law laid down by the hon'ble Supreme Court. But the fact of this reference case is different. This reference is under section 10 of Industrial Dispute Act., 1947. Moreover there is specific settlement between management and union regarding employment of deceased workman.

MGB Gramin Bank Vs. Chakrawarti Singh, 2013(139) FLR 469, S.C. The hon'ble Supreme Court has observed that appointment on compassionate ground may not be claimed as matter of right. It depends on various other circumstances. A candidate cannot claim that his case is to be considered as per the scheme existing on the date the cause of action had arisen. Respondent may apply for consideration of his case under the new scheme. In this case father of the respondent was working as Class III employee with the appellant bank died on 19.04.2006 while in harness. The respondent applied for compassionate employment on 12.05.2006. During the pendency of the application a new scheme dated 12.06.2006 was introduced w.e.f. 06.10.2006. Clause 14 provides that application pending on the date of commencement of the scheme shall be considered for grant of ex-gratia payment to the family instead of compassionate employment. The hon'ble Supreme Court held that case under new scheme would be considered.

I am in respectful agreement with the law propounded by hon'ble Supreme Court but the facts of this reference case are different. In the present reference case the Wage Agreement NCWA VI settled between the management and the union does not provide any ex-gratia payment.

In view of discussion above, I come to the conclusion that the action of the management of Lacchipur Colliery under Kajora Area of M/s. ECL in not providing employment to Sri Vinod Kumar Mahto dependent and son-in-law of Late Ramnath Mahato, Engine Operator is illegal and unjustified.

Management of Lacchipur Colliery, Kajora Area of M/s. ECL is directed to provide employment to Sri Vinod Kumar Mahto, the dependent and son son-in-law of Late Ramnath Mahato, in lieu of job of Late Ramnath Mahato within 2 months from the notification.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 95/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/104/2013-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 95/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Limited, and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/104/2013-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 7th day of August, 2014

INDUSTRIAL DISPUTE No. 95/2013

Between:

The President,
(Bhandari Satyanarayana)
Telengana Trade Union Council
H.No.5-295, Indiranagar,
Opp. Bus Stand, Mancherial,
Adilabad - 504208.

....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri
Adilabad District-504 231.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : NIL

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/104/2013-IR(CM-II) dated 3/9/2013

referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad Dist., in terminating the services of Sri Bukya Swamy, Ex-Coal Filler, KK-5 Inc., SCCo Ltd., Mandamarri Area, SCCo Ltd., Mandamarri Area with effect from 5.3.2001 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No.95/2013 and notices were issued to the parties concerned.

2. Case is posted for filing of claim statement.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation. In spite of the notice being served on the Petitioner twice, Petitioner is not appearing to make any claim. In the circumstances, taking that Petitioner got no claim to be made, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined
Petitioner

NIL

Witnesses examined
for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 42/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/141/2004-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 42/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Ningah Group of Mines of M/s. Eastern Coalfields Ltd. and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/141/2004 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE No. 42 OF 2005

PARTIES: The management of Ningah Colliery, ECL.

Vs.

Sri Shyam Behari Singh

REPRESENTATIVES:

For the management: Shri P. K. Goswami, Ld. Advocate

For the union (Workman): Shri J. P. Gupta, Ld. Advocate

Industry : Coal State : West Bengal

Dated : 7.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/141/2004-IR(CM-II) dated 17.05.2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

'Whether the action of the management of Ningah Colliery under Sripur Area of M/s. ECL in dismissing Shri Shyam Behari Singh, Security Sub-Inspector w.e.f. 24/24.11.2001 is legal and justified? If not, to what relief the workman is entitled and from which date?'

Having received the Order NO. L-22012/141/2004-IR(CM-II) dated 17.05.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 42 of 2005 was registered on 31.05.2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents

and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that my predecessor (Late Jayanta Kumar Sen, the then Presiding Officer) had reserved an award in this case because the workman neither appeared nor took any step after 03.08.2010. It seems that the workman is now not interested to proceed with the case further. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2014

का.आ. 3107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-22012/317/2000-आईआर (सीएम-II)]

बी.एम. पटनायक, डेस्क अधिकारी

New Delhi, the 27th November, 2014

S.O. 3107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.27/2001 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Jambad Colliery of M/s ECL and their workmen, received by the Central Government on 27/11/2014.

[No. L-22012/317/2000 - IR (CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri PRAMOD KUMAR MISHRA, Presiding Officer

REFERENCE No. 27 OF 2001

PARTIES :

The management of Jambad Colliery under Kajora Area, ECL

Vs.

Sri Keshar Bhuia

REPRESENTATIVES:

For the management : Sri P. K. Das, Ld.
Advocate

For the union (Workman) : Sri S. K. Pandey,
General Secretary

Industry : Coal State : West Bengal

Dated : 12.11.2014

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/317/2000-IR(C-II) dated 08.08.2001 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Jambad Colliery of M/s. ECL in dismissing Sh. Keshar Bhuia, Underground Loader from services vide order dated 18.01.2000 is legal and justified? If not, to what relief Sh. Keshar Bhuia is entitled to?"

Having received the Order No. L-22012/317/2000-IR(C-II) dated 08.08.2001 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 27 of 2001 was registered on 10.09.2001. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

In brief the worker has stated in his written statement that worker, Sri Keshar Bhuia was permanent workman of ECL. He was posted at Jambad Colliery of M/s. ECL as Underground Loader. Sri Keshar Bhuia due to his illness could not attend his duty from 01.04.1999 to 06.07.1999. Being medically fit he reported for duty but he was not allowed to resume his duty by the management. He was informed that a charge sheet had been issued against him and as such he could not be permitted to join his duty. The workman was never served with any charge sheet. The workman was undergoing treatment for his illness at Bahadurpur P.C.H. After being declared fit when he reported for duty he was informed for the first time regarding issuance of any charge sheet against him.

During his sickness he informed the management twice for his absence by sending letters under certificate of posting. The workman was never served with any notice of enquiry. He was not afforded any opportunity to defend himself. The management dismissed the service of the workman for absence of only 3 months. Since, dismissing authority was not appointing authority therefore dismissing authority was not vested with the power to pass dismissal order. The workman belongs to S.C. Community. The reasons for absent is sufficient therefore dismissal order is bad in eyes of law and required to be set-aside. Quantum of punishment is very harsh. That deserves to be set-aside and the workman be reinstated with full back wages and all incidental benefits.

The management has stated in his written statement that reference is bad in eyes of law. The worker Sri Keshar Bhuia was absent from his duty from 01.04.1999 without any prior permission or authorized leave. The workman Sri Keshar Bhuia is Ex-Underground Loader. The workman Sri Keshar Bhuia was charge sheeted vide charge sheet No. ECL/JC/C-6/P&IR/99-00/5B/01 dated 06.07.1999. The Ex-workman failed to submit any satisfactory explanation to the charge leveled against him. Therefore domestic enquiry was conducted in the charge sheet by the enquiry officer. The notice of enquiry was sent to the Ex-workman by registered post with A/D at his home address and it was duly served. But as the Ex-workman failed to appear in the enquiry and as such enquiry proceeding was held ex-parte. The Enquiry Officer after conclusion of the enquiry proceeding held the workman to be guilty to the charges of misconduct. The management issued 2nd show cause notice vide reference no. KA/PM/C-6/10/3780/58 dated 28.12.1999/03.01.2000. But it was un-replied. The disciplinary authority after careful consideration of enquiry finding, enquiry proceeding and other connected papers, passed the dismissal order on 18.01.2000. The dismissal order was in accordance with the gravity of misconduct committed by Ex-workman which was duly established in the enquiry proceeding. The punishment awarded to the Ex-workman is justified and proportionate. It is denied that the Ex-workman was ever sick or that he ever intimated to the management about his alleged sickness. Ex-workman is not entitled for setting aside the dismissal order.

Worker has submitted the dismissal order KAPM/C-6/10/4016/399 dated 18.01.2000. The management has not submitted any documentary evidence. The worker Sri Keshar Bhuia has filed affidavit in oral evidence. Management has not filed any affidavit in their support.

I have heard the argument of Sri S. K. Pandey on behalf of the union/workman and Sri P. K. Das Learned Advocate on behalf of the management.

It is admitted fact that before dismissal Sri Keshar Bhuia was underground Loader, a permanent employee

in Jambad Colliery of M/s. ECL. It is not disputed that the workman was absent from his duty from 01.04.1999 to 06.07.1999.

It is the case of management that Sri Keshar Bhuia, workman was absent from 01.04.1999 to 06.07.1999 without any prior permission or authorized leave, therefore workman was charge sheeted vide charge sheet No. ECL/JC/C-6/P&IR/99-00/5B/01 dated 06.07.1999. The workman after issuance of notice did not appear, therefore enquiry proceeding was held ex-parte. After second notice the competent authority passed the dismissal order. On other hand workman Sri Keshar Bhuia was absent from duty due to his illness. As per written statement of the workman he informed the management regarding his illness. Workman has not submitted any medical report or registered notice regarding of his illness. But even if, it is presumed that workman was not sick and his absence from duty was unauthorized. Even then in enquiry proceeding he ought to have been given opportunity to defend himself. More so when workman has challenged the enquiry proceeding.

The management ought to have submitted the order regarding appointing enquiry officer, copy of enquiry report, copy of enquiry proceeding and finding of enquiry officer along with copy of notices sent to the workman. There is no piece of evidence on the record, on basis of which tribunal may come to the conclusion that notice was sent to the workman and it was actually served. The workman in his affidavit has stated that he was not issued any chargesheet. He was not given any opportunity to defend himself. He was compelled to remain absent w.e.f. 01.04.1999 to 06.07.1999 due to his sickness. He has been cross-examined by the management.

Domestic enquiry in Industrial Law has acquired great significance. Industrial adjudication attaches considerably importance to such enquiry. In number of cases, the hon'ble Supreme Court has observed that an enquiry is not an empty formality, but an essential condition to the legality of the disciplinary order. In other words before the delinquent workmen can be dismissed for misconduct, the employer shall hold a fair and regular enquiry into the misconduct. Dismissal without holding a regular enquiry would be an illegality. It is well settled that disciplinary enquiry has to be a quasi-judicial enquiry. It should be held according to principles of natural justice and Enquiry Officer has a duty to act judicially because the charges of misconduct, if proved, will result not only in deprivation of livelihood of the workman, but also attach stigma to his character.

In dealing with domestic enquiries held in industrial matters, the fact that the large majority of cases employees are likely to be illiterate and ignorant, should be borne in mind. The Enquiry Officer has to take care in the facts and circumstances of such case that the defence of the workman is not prejudiced in any manner. The rules of natural justice require that the workman proceeded

against, should be informed clearly of the charges leveled against him, witness should be examined in his presence. The workman should be given a fair opportunity to examine witness, in support of his defence.

Unfair or wrongful discharge or dismissal of industrial workmen as a measure of disciplinary action is one of the major causes of industrial dispute though the employers have always regarded the right of disciplinary action as a concomitant to the efficient attainment of the objectives of industrial activity. On the other hand, the workers and their unions have tended to regard protection from arbitrary or unjustified disciplinary action as one of the most important functions of the trade union activity.

In all cases of detrimental action taken against a worker, for misconduct, the employer has to establish whether the action was taken for "Just and sufficient reasons". An industrial worker is always entitled to question the property and justice of punitive or detrimental action taken against him.

In view of the discussion above the punishment of dismissal for absence of near about 3 months under compelling circumstance and without any malafied intention is not just and proper, rather it is too harsh a punishment which is totally disproportionate to the alleged proven misconduct. Besides this as per direction of the Hon'ble Apex Court No. 2nd show cause notice before imposing the punishment of dismissal has been issued to the workman concerned, which is the violation of the directives of the Hon'ble Apex Court and the principle of natural justice as well.

In *Kendriya Vidyalaya Sangathan Vs. S. C. Sharma*, AIR 2005, S.C., page No. 768, the hon'ble Supreme Court has held when the question of determining the entitlement of a person for back wages is concerned, the employee has to show that he was not gainfully implied. The initial burden is on him. The worker Sri Keshar Bhuia in his affidavit has stated that he was unemployed and without any job. He has no other source of income. Management has not disputed this fact that during period of dismissal Sri Keshar Bhuia was not employed anywhere. So workman Sri Keshar Bhuia was entitled for back wages. But it is worthwhile to mention the dismissal order is passed on 18.01.2000. Awarding full back wages appears to be unreasonable, workman will get a huge amount just sitting idle. Therefore it appears to be just and proper that the workman Sri Keshar Bhuia be awarded only 20% of his back wages.

In view of this matter I think it just and proper to modify and substitute the same by exercising the power u/s 11(a) of Industrial Dispute Act, 1947. In order to meet the ends of justice the impugned order of dismissal is set-aside and he is to be reinstated with continuity of service. I think it appropriate that the delinquent workman be imposed a punishment of stoppage of 2 increments without any cumulative effect. It is further directed that

the workman concerned will be entitled to get only 20% of the back wages.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुरगुजा क्षेत्रीय ग्रामीन बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट संदर्भ संख्या (325/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था।

[सं. एल-12011/23/99-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 325/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management Surguja Kshetriya Gramin Bank, and their workmen, received by the Central Government on 18/11/2014.

[No. L-12011/23/99-IR (B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/325/99

PRESIDING OFFICER: SHRI R. B. PATLE

The President,
Surguja Kshetriya Gramin Bank Karmchari Sangh,
Kumar Complex,
Mahamaya Chowk, PO Ambikapur,
Distt. Surguja (MP)Workman/Union

Versus

The Chairman,
Surguja Kshetriya Gramin Bank,
Kumar Complex,
Mahamaya Chowk, PO Ambikapur,
Distt. Surguja (MP)Management

AWARD

(Passed on this 23rd day of September, 2014)

1. As per letter dated 11-11-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/23/99/IR(B-I). The dispute under reference relates to:

"Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya Chowk, Ambikapur, Distt. Surguja (MP) in

(1) In not making payment of N.I.T arrears upto 1-9-97 equivalent to State Govt.

(2) Withholding the increment in respect of Shri Satyavrat Hari without conducting enquiry,.

(3) Not regularizing the services of Shri Mohanlal and Shri Ramswaroop, temporary messenger after the completion of 240 days.

are legal and justified? If not, to what relief the concerned Bank employees are entitled for?"

2. After receiving reference, notices were issued to the parties. Present reference relates to denial of payment of arrears till 1-9-87 equivalent to State Govt. (2) withholding increments of Shri Satyavrat Hari. Denial of regularisation of services of Mohanlal and Ramswaroop temporary messengers. Employees Union submitted statement of claim at Page 3/1 to 3/7. Case of Ist party Union is that IInd party is industry under I.D.Act. Ist party union served charger of demands along with strike notice. It is submitted that IInd party denied NIT arrears till 1-9-87 as per State Govt. circular dated 11-1-1984. Addnl facilities and benefits to the employees working in remote areas were not given to the employees of the IInd party Bank. That Ministry of Finance vide letter dated 22-2-91 directed all sponsored banks for implementation of National Industrial Tribunal Award. Arrears for the period 1-9-87 to 31-12-87. That NIT award directed employees who are getting benefits against available State Govt. service are entitled till August 1987. Relevant portion of the award is reproduced in para-7 of the statement of claim. It is submitted that as per letter dated 20-3-93 by NABARD, Tribal area allowance was extended by State of MP to the employees working in certain areas payable to the employees of Regional Rural Banks. It is also submitted vide earlier dated 5-7-91, NABARD had directed Chairman and Managing Director of all sponsored Banks. That instructions contained in annexure with letter should be followed that inspite of award of National Tribunal, and repeated directions of NABARD, management did not pay arrears to the employees to IInd party Bank. Letter dated 9-7-97 by NABARD again directed Chairman of all RRBs and all sponsored banks to pay arrears as per award of National Industrial Tribunal. Despite of such directions, judicial decision, workmen were not paid

arrears. On such grounds, arrears is claimed by Union for employees of IInd party.

3. With reference to Point No.2 in reference order, it is submitted that increments of Shri Satyavrat Hari were withholding without conducting enquiry. Said act of IInd party is illegal withholding increment without giving opportunity for defence is contrary to principles of natural justice. With respect to Point 3 of reference order, it is submitted that the respective employees Ram Swaroop and Mohanlal temporary messengers have completed 240days continuous working. Their services were not regularized. Denial of regularisation to those employees is unfair labour practice and victimization. On such ground, Union is praying reliefs for payment of arrears to set-aside order of withholding increments of Satyavrat and regularize services of respective employees.

4. IInd party filed Written Statement at Page 8/1 to 8/13. With respect to Item no.1 of reference order, IInd party submits that M.P.Ministry of Finance issued order dated 11-1-84 Tribal Area allowance to its employees working in scheduled part of State. Section 17 of RRB Act provides salary of RRB employees envisages Central Govt. may decide salary of such employees time to time. That NABARD Central office vide letter dated 29-9-85 advised to pay integrated Tribal allowance to the Bank staff vide letter dated 25-6-86 Regional office to NABARD informed to extend ITDP benefits to eligible employees of Bank with prior approval of the Board of Directors. That as per Board of Director meeting held on 24-5-89, Board decided to allow benefits of Bank employees w.e.f. 1-10-85. Accordingly circular was issued on 1506089 to the branches. For payment of allowances from 1-10-85 to 31-8-87.

5. It is submitted that National Industrial Tribunal Award was implemented from 1-9-87 vide office letter dated 20-3-93. The arrears were worked out upto 31-8-87 (b) arrears till 1-10-87 to 31-12-90, (c) arrears from 1-1-91. That as per instructions of NABARD, ITDP to be paid from the date of approval of Board. The Board had taken lenient view and benefits of ITDP from 1-10-85 till 31-8-87. That arrears from 1-9-87 to 31-3-90 has been paid as directed by NABARD vide letter dated 9-1-97. The claim of Union for arrears from 1-10-85 doesnot arise.

6. With respect to Point No.2 of reference order, IInd party submits that reference is made mechanically without application of mind. The terms of reference is highly prejudicial to the management. Shri Satyavrat was issued chargesheet. He admitted charges unconditionally. Consequently punishment of with-holding increment was imposed by the management. That disputed question of fact cannot be referred for adjudication. Reference is made to ratio held in different cases That Section 32 of Staff Regulation Act provides right of appeal to the employees belonging aggrieved. Mr. Satyavrat did not file appeal against order of withholding increments. The claim of Union is barred. IInd party further submits that

there is no employee employer relationship. Shri Mohanlal and Ram Swaroop were not employees of the Bank. The reference order is illegal. That Mohanlal was not working in Bank as part time messenger. It is denied that they were in continuous employment within meaning of Section 25 B of I.D.Act. Those employees were not appointed following selection process. They cannot be regularized. Any employees were engaged on temporary basis by way of staff gap arrangement. IInd party denies all adverse allegations of the Union w.r.t. claim of Shri Mohanlal and Shri Ram Swaroop. IInd party prays for rejection of claim.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in not making payment of N.I.T arrears upto 1-9-97 equivalent to State Govt. is legal and justified? In Affirmative

(ii) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar Complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in withholding the increment in respect of Shri Ssatyavrat Hari without conducting enquiry is legal and justified? In Affirmative

(iii) Whether the action of the chairman, Surguja Kshetriya Gramin Bank, Kumar complex, Mahamaya chowk, Ambikapur, Distt. Surguja (MP) in not regularizing the services of Shri Mohanlal and Shri Ramswaroop, temporary messenger after the completion of 240 days is legal and justified? In Affirmative

(ii) If not, what relief the workman is entitled to?" Relief prayed by workman is rejected.

REASONS

8. Terms of reference clearly pertains to 3 distinct reliefs denial of payment of arrears and allowances, withholding increment of Shri Satyavrat and denying regularisation of Shri Mohanlal and Shri Ramswaroop. Management has denied claim of Union on all grounds. Though Union raised above dispute, Union has failed to adduce evidence in support of his claim. Management of IInd party produced documents Exhibit M-1 charter of

demand submitted by Union. Demand No.13 related to management agreed that demand will be fulfilled according to circular of the Bank and irregularities will be rectified. Exhibit M-2 is letter issued by Regional Office of NABARD Exhibit 3,4 & 6 are directions issued by NABARD office for payment of arrears and antiquity allowance. The affidavit of Chairman of the Bank Shri R.B.Gupta is filed by IInd party. In para-12 of his affidavit, chairman has stated that as per NABARD Instruction ITDP was to be paid from date of approval of Board. The Board was lenient and benefit was extended from 1-10-85 till 31-8-87. The decision to make payment with retrospective date was taken in Board meeting dated 24-5-89. In Para-13 Chairman states arrears from 1-9-87 till 31-3-90 have been paid as per directions of NABARD dated 9-7-87. Arrears prior to 1-10-85 are not payable. The evidence of management's witness remained unchallenged. Union has failed to cross-examine management witness.

9. Management's witness has further stated that increment of Shri Satyavrat were withheld after admission of charge. Management's witness Vinay Sharma Sr. Manager of the Bank has also supported the evidence of Chairman of the Bank on all points. Union failed to adduce evidence to substantiate its claim. Therefore I record my finding in Point No.1, 2, 3 in favour of IInd party. I make it clear that Union has failed to establish the arrears of ITDP due against IInd party. It has also failed to establish withholding increment of Shri Satyavrat is illegal, denial of regularization to Mohanlal is illegal. Therefore I record my finding in Point No.1, 2, 3 in Affirmative.

10. In the result, award is passed as under:-

- (1) The action of the management is legal and proper.
- (2) Relief prayed by workman is rejected.

R. B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में निर्विवाद विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 252/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 को प्राप्त हुआ था।

[सं. एल-41011/22/89- डी-2 (बी)-आई आर (बी-I)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 252/89) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between

the management of Central Railway and their workmen, received by the Central Government on 18/11/2014.

[No. L-41011/22/89 - D-2 (B)- IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/252/89

President,
Rashtriya Chaturth Rail Mazdoor Congress,
Central Office, 2/236,
AgraWorkman/Union

Versus

Assistant Engineer,
Central Railway,
AgraManagement

AWARD

(Passed on this 5th day of November, 2014)

1. As per letter dated 5-12-89 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-41011/22/89-D-2(B). The dispute under reference relates to:

" Whether the action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Noor Islam S/o Buddu Khan and Shri Sitaram S/o Shri Govinddas MRCL after 19-2-87 and 16-7-86 and whether his termination is justified? If not, to what relief the workmen are entitled to?"

2. After receiving reference, notices were issued to the parties. Statement of claim is submitted by Class IV Railway Mazdoor Congress. The case of Ist party is that employees working more than 120 days acquires temporary status as per Indian Railway Estt Manual. The employees completing more than 240 days continuous services acquires right for regularization. The services of Noor Islam and Sitaram were discontinued from 19-2-87 and 16-7-86. Their services were discontinued on ground that they had submitted bogus service card. That Rule 2511 A of Indian Railway Establishment provides that services of such employees cannot be terminated without giving opportunity following principles of natural justice. It is further contented that the employees who were terminated junior to the workmen are regularized as per letter dated 25-12-86 has been approved. The employees who were terminated on ground of obtaining service on false service card. They are also reinstated and continued. The workman are not allowed to work in violation of Article 14 of the constitution. The services of Ist party

workman are terminated in violation of Section 25-F, G, H of I.D.Act. The principles of first come last go was not followed. The charges are proved. The services of employees cannot be terminated. Though the allegations were made that the workmen secured employment on basis of false service card, the charges were not inquired. Without conducting any enquiry, termination of their services is illegal. They have referred to ratio held by Supreme Court in some cases. It is reiterated that termination of their services is illegal. On such ground, workman prays for appropriate relief.

3. IInd party filed Written Statement through Assistant Engineer. IInd party submits that Noor Islam casual labour card No. 257923 was informed that said card was suspicious. He should be directed to submit service card duly verified until he submits service card, he would not be allowed to work. Letter of termination was received. Said workman did not submit the service card duly verified rather he did not report to work. Shri Sitaram holding service card No. 261528 issued from Bhopal office was found suspicious. He did not submit verified service card instead he remained absent from duty. It is submitted that both workmen did not work in time. The service card issued was not issued in their names. The service card of both workmen were bogus. Notice was issued to Shri Sitaram on 14-8-86. Reply was not given. On such ground, it is submitted that workmen are not entitled to any relief.

4. My predecessor passed award dated 16-7-01 against workman. Said award was challenged by Shri Sitaram workman in Writ Petition 93/01. Said writ petition was decided on 6-8-03. His Lordship observed it was for management of Railway to adduce evidence and justify its action by proving before the Tribunal the allegations against workman w.r.t. securing employment by producing false and fabricated casual card. The matter is remanded with direction that the Tribunal to decide question, allegation made by employer before the Tribunal on merit by permitting the management to adduce evidence and thereafter he prayed to grant liberty to employee.

5. The award was challenged only by workman Shri Sitaram, Noor Islam did not challenged the award.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Sitaram S/o Shri Govinddas MRCL after 16-7-86 and whether his termination is justified?

In Negative

(ii) If not, what relief the workman is entitled to?"

As per final order

REASONS

7. As stated above, the award is challenged only by Shri Sitaram filing Writ petition in High Court and matter has been remanded after setting aside award passed by my predecessor. The record shows that the affidavit on which he was cross-examined appears to have been submitted for summons of record. In his cross-examination workman says that appointment letter was not given to him. PWI Morena has discontinued him from work. No appointment letters is given to casual labour. He was discontinued from work as per letter Exhibit M-1. He had gone for joining duties but was not allowed on work. He could sign but unable to read. Document Exhibit M-2 was produced by management. Workman denies that after his discontinuation, he did not report to work with PWI Morena. As award was not challenged by Noor Islam, affidavit submitted by Noor Islam and Bashir Ali needs no discussion.

8. After remand of the matter, management adduced evidence of witness Shri S.A. Khan. The management's witness says as per documents available with the department, workman had secured employment submitting service card. The matter was inquired and found that both employee did not work at Morena Bhopal. Both workmen left their job. Service cards submitted by both workmen were found bogus. In Para-8 of his affidavit, management's witness has stated that Shri Sitaram S/o Govinddas Card No. 261258 was directed to submit verified service card but he had not returned to duties. As per letter dated 2-8-86, it was found that said workman did not work in the division neither card was issued. It is reiterated that the workman had not returned to work. The workman had secured employment on basis of bogus card. In his further evidence, witness of management says he is working as Suptd. In Engineering department of Morena office. The document dated 19-2-88 is copy of termination order its original was submitted before CGIT Kanpur. M-4 is its certified copy. Exhibit M-2 is order calling workman to produce verified service card, its original was produced before CGIT Kanpur. The documents Exhibit M-1 to M-4 are admitted in evidence. Management's witness in his cross says he was not knowing Sitaram. He did not work under him. Witness of management admitted that Shri Sitaram had worked for 120 days as temporary employee and acquired status of temporary employee. The witness admits that when temporary status is given to employees he cannot be terminated without enquiry. Before termination of Shri Sitaram no enquiry was conducted. The witness explained that there was no need for enquiry. Notice was issued to workman for production of verified service card. The original of Exhibit M-2 is produced before CGIT, Kanpur. The witness claims ignorance about decision by CGIT Kanpur in the matter. However he says the matter is decided Exhibit M-2 bears signature of the officer where workman was working he denies that workman had not given reply to Exhibit M-3. That attendance register of

workman is produced. His attendance is not marked. The witness of management Naresh Kumar Sinha in his affidavit says that notice was given to both employees calling their explanation why they should not be terminated. The employee did not give reply. They had left the job. That the casual labours were required to deposit 1 Re for issue of the card. The document Exhibit M-5/1 to 5/2 proved from evidence of said witnesses are list of persons submitting bogus casual card. In his cross-examination, management's witness says the said list was received from office of Central Railway Mumbai. Name of Shri Sitaram was at Sl.No. 102 as person securing employment producing bogus service card. Before preparing said list, whether employee was given opportunity for hearing is not known to him.

9. The evidence on record clearly shows that workman had acquired status of temporary employee. Management's witness admits that service of such employee could not be terminated before enquiry. Any record of enquiry conducted against workman is not produced. Therefore the termination of service of workman Shri Sitaram is illegal. For above reasons, I record my finding in Point No.1 in Negative.

10. Point No.2- in view of my finding in Point No.1 termination of service of workman is illegal, question arise whether he is entitled for reinstatement with back wages. The evidence of management is silent about gainful employment. However workman in his evidence after remand says that he was removed from service on 16-7-86 without notice. After removal from service, he was not gainfully employed. In his cross-examination, workman says that he was working at Morena, he has 4 child residing with him. The children are receiving education. His brother in law Munshi and Bhagwati Prasad are helping him for payment of fees of his children. Workman is discontinued from service in 1986. It is difficult to believe that all those long period, the workman is not doing any work and depends on his relatives. Considering age of workman, possibility of workman not doing some work for his family may not be ruled out. Considering the facts and circumstances and long period workman is out of employment, reinstatement with 30 % back wages would be appropriate. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

(1) The action of the management of Assistant Engineer(M) Central Railway, Agra in not providing employment to Shri Sitaram S/o Shri Govinddas MRCL after 16-7-86 and terminating him from service is illegal.

(2) IInd party is directed to reinstate workman Shri Sitaram in service with continuity of service with 30% back wages. IInd party shall pay cost of Rs.5000/- to the workman Shri Sitaram.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In

case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 100/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था ।

[सं. एल-12012/334/98-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/99) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 18/11/2014.

[No. L-12012/334/98 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/100/99

PRESIDING OFFICER : SHRI R. B. PATLE

Shri Premdas Manikpuri,
C/o Bhukhandas Manikpuri,
BS Bhasin and Sons,
Telbandha, RaipurWorkman

Versus

Chief Manager,
State Bank of India
C&I Division, SBI
Main Branch, Jaistambh Chowk,
RaipurManagement

AWARD

(Passed on this 23rd day of September, 2014)

1. As per letter dated 25-02-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification

No. L-12012/334/98-IR(B-I). The dispute under reference relates to:

"Whether the termination of service of Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri by the management of State Bank of India w.e.f. 24.09.96 is justified? If not, to what relief he is entitled to?

"Whether Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri has actually worked in the Main branch of SBI Raipur from 11-07-96 to 26-09-96, if so what should be his wages for the above period".

2. After receiving reference, notices were issued to the parties workman submitted. Statement of claim at Page 2/1 to 2/4. Case of workmen is that he was appointed on post of messenger with IInd party from April 1995, His duties of workman were of distributing vouchers concerned division etc. that he performed duties regularly from April 95 to 23-09-96. IInd Party not allowed him on duty. His services were discontinued without assigning reasons that he completed 240 days continuous service in calendar year. He acquired status of permanent employee. The services were terminated without notice retrenchment compensation was not paid to him. Termination of his service is in violation of Section 25-F of I.D. Act. His services are terminated by victimization. Action of IInd party is malafide, arbitrary. On such ground. Workman prays for his reinstatement with back wages.

3. IInd party filed Written Statement at Page 9/1 to 9/4. Claim of workman is denied outright. IInd party submits that workman was engaged in October 95. Workman worked till December 95 for total 56 days. In January to July 96, workman was engaged for cleaning work for 138 days, thus workman had worked for total 194 days intermittently. Workman not completed 240 days continuous service. Workman is not entitled to protection of ID Act. IInd party has not appointed nor terminated services of workman. Workman was not completed continuous service as per Section 25B of I.D. Act. On such ground, IInd party prays for rejection of claim.

4. Workman has filed rejoinder at page 10/1/ to 10/2 reiterating his contentions in statement of claim. That he had completed more than 240 days continuous service. Contentions of management that he worked only for 194 days is denied.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the Reasons as below:—

- | | |
|---|-------------|
| (i) Whether the termination of service of Shri Manikpurii Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri by the management of State Bank of India w.e.f. 24.09.96 is justified? | In Negative |
|---|-------------|

- | | |
|--|--------------------|
| (ii) Whether Shri Manikpuri Ex-messenger-cum-Casual Labour S/o Nirmaldas Manikpuri has actually worked in the Main Branch of SBI Raipur from 11-07-96 to 26-09-86? | In Affirmative |
| (ii) If so, to what relief the workman is entitled to? | As per final order |

REASONS

6. Workman is challenging termination of his service for violation of Section 25-F of I.D. Act. The engagement of workman by IInd party is not in dispute. The dispute is about working days of workman. According to management, workman has worked only for 194 days. According to workman he completed more than 240 days continuous service.

7. Workman filed affidavit of his evidence stating that he was continuously working with IInd party as messenger from April 95 to 24.09.96. He was not paid wages from 31.07.96 to 23.09.96. He stated that from April 95 to December 95, he worked for 275 days, from January 96 to 23.09.96 he worked for 266 days. In his cross-examination workman says he had not appeared for any examination, he was appointed. His name was not sponsored through Employment Exchange. The Bank Officer had asked him to work. The wages were fixed at time of joining work. He denies that he was doing work only of cleaning. Workman reiterates that work of messengers were extracted from him. He reiterates that his wages were paid by Bank and not by contractor. He denies working under contractor Shri Prakash. The pleadings in Written Statement of IInd party are silent that workman was working under Sanity contractor Shri Prakash. Workman has produced various zerox copies of bank cheque and zerox copies of his applications for payment with endorsement of payments by branch manager at Page 13/12 to 13/66. Management denied all those documents.

8. Affidavit of evidence of management's witness Adhishwar Kumar Goyal is filed supporting contentions of management that workman was working for 194 days broken period. He not completed 240 days continuous service. Workman was paid wages. Management witness in his cross-examination says on 4.09.13, he was working in head office. As per record, workman was working from October 95 to December 95 on daily wages. He denies Zerox copies of documents referred to him. In his further cross-examination witness of management says any document about working days of workman are not produced. Said documents are not brought by him. The documents are destroyed after 5-10 year. As per pleadings between parties workman was working from 95-96. The reference is made as per order dated 25.02.99 hardly after 3 years. The document must be available with IInd party. In view of evidence of management's witness, documents

are destroyed after 5 years. The documents are not produced by management despite application for production of documents was filed by workman in July 2007, Learned counsel for workman Shri H.N. Das pointing out evidence relies on ratio held in

"Case of M/S Sriram Industrial Enterprises Ltd. versus Mahak Singh reported AIR 2007-SC-1370. Their Lordship dealing with Section 2(g), 6N of I.D. Act held that workman in order to be in continuous service must have worked continuously for a period of 240 days in any calendar year during his period of service. Section 2(g) doesnot require to prove that he had worked for 240 days continuously only during preceding period of 12 months prior to termination of his Service."

Their Lordship dealing with evidence and proof held workman had discharged their initial burden by producing whatsoever documents were in custody to show that they were continuously worked for 240 days.

9. On the point, learned counsel for IInd party Tripathi relies on ratio held in

Case of Krishna Bhagya Jala Nigam Ltd. versus Mohammed Rafi reported in 2009(11) SSC 522. Their Lordship held burden of proof as to completion of 240 days of continuous work in a year reiterated lies on the aggrieved workman. The reliance is also placed in 2013(2) SSC-751. Their Lordship held there is no reason and justification to interfere on the order passed.

In present case, workman has produced zerox copy of documents available with him. IInd party has not produced any documents about payment of wages, attendance etc. therefore adverse inference needs to be drawn. The evidence of workman therefore cannot be rejected. For above discussion, it is establishment that workman had worked more than 240 days continuously. Services were terminated without notice, retrenchment compensation was not paid to him. For above reasons, I record my finding in Point No. 1 in negative.

10. Point No. 2- in view of my finding in Point No. 2, termination of service of workman is illegal. Question arises whether he is entitled for reinstatement with back wages. Cross-examination of workman shows he was not sponsored by Employment Exchange. He was engaged from April 95 till 23.09.96 for about 16 months. Considering short span of work, reinstatement of workman would be justified. reasonable compensation would be justified. Considering evidence of workman, he was working till 23-09-96., he was not paid wages after 31-07-96, workman is also entitled for wages for said period. Thus compensation Rs. 75,000/- to workman is justified in addition to wages for the period 1-8-96 to 23.09.96. Accordingly I record my finding in Point No. 3, 4.

11. In the result, award is passed as under:-

(1) Action of the management is legal.

(2) IInd party is directed to pay compensation Rs. 75,000/- to workman and also to pay wages for the period 01.08.96 to 23.09.96.

(3) IInd party is directed to pay cost of Rs. 5,000/- to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R.B. PATLE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3111.—औद्योगिक विवाद अधिनियम, 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार आई एन जी वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/11/2014 प्राप्त हुआ था।

[सं. एल.12012/234/2005-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2006) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of ING Vysya Bank Ltd. and their workmen, received by the Central Government on 18/11/2014.

[No. L-12012/234/2005 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AT HYDERABAD**

PRESENT : Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 29th day of October, 2014

INDUSTRIAL DISPUTE No. 29/2006

Between:

Sri J. Anand Gupta,
Ex. Sub. Staff,
C/o Sri S.G.K. Murthy,
H.No. 15-16-5,
Rajanagar Colony, Old Mirjalaguda,
Malkajigiri, Hyderabad-500047

---Petitioner

AND

1. The Chief (HRD),
ING Vyasya Bank Ltd.,
Regional Office,
3-6-438/5&6, 5th Floor,
Nasipur House, Himayatnagar,
Hyderabad-500029.

....Respondent

Appearances:

For the Petitioner:

M/S. D. Ravisankar Rao, Ch. Venkata Raju,
K. Raghuram Reddy, M.V. Sastry, Advocates.

For the Respondent:

M/s C. Niranjan Rao, M. Subrahmanya Sastry &
L. Chandra Mohan Reddy, Advocates.

AWARD

Vide the proceeding No. L-12012/234/2005-IR(B-I) dated 17.03.2006 the Government of India, Ministry of Labour and Employment, New Delhi made a reference to this Tribunal requiring this Tribunal to give its award on the question,

"Whether the action of Management of M/s. ING Vyasya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.03.2005 without conducting a domestic enquiry is proper and justified? If not, to what relief the workman concerned is entitled?"

On receipt of the above referred reference this Tribunal issued notices to both the workman and the Management. They both appeared before this Tribunal and also engaged their respective advocates to assist them with the consent of each other and leave of the Tribunal.

2. The workman filed his claim statement with the averments in brief as follows:—

The workman was appointed as sub-staff in the Respondent bank branch office at Sadasivapet on 08.12.1993 and was placed under probation for a period of 6 months. Thereafter he was confirmed in the said post with effect from 08.06.1994. While so, he was falsely implicated in a petty offence and was taken to Sadasivapet Police Station while he was on duty on 26.10.2004 at about 11 AM on the pretext to know the whereabouts of some of his neighbours. He was released only at 9PM on that day and he was instructed to attend to the Police Station on the next day at 9 AM. On 27.10.2004 Police took him to the Court at Sangareddy and while surrendering him to the court threatened him to accept everything. Police filed chargesheet alleging that the workman committed an offence punishable under Sec. 9(1) of A.P. Gambling Act. The case was registered at STC 270 of 2004 on the file of the Addl. Judicial First Class Magistrate, Sangareddy. The said court by virtue of judgement dated 27.10.2004 convicted the workman

and sentenced him to undergo rigorous imprisonment for one month and to pay fine of Rs. 300/- for the offence under Sec. 9(1) of A.P. Gambling Act. The workman challenged the said judgement by filing Criminal Appeal No. 139 of 2004 before the Sessions Judge, Medak at Sangareddy. He also informed the Management bank regarding these incidents through his letter dated 29.10.2004. The Vice President of the Respondent bank issued a show cause notice dated 27.11.2004 stating that as the workman was convicted of an offence involving moral turpitude why he should not be dismissed from the service of the bank in terms of Sec. 10(1)(b)(i) of the Banking Regulation Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.04.2002. The workman submitted his explanation dated 10.12.2004 informing the bank that he preferred an appeal against his conviction and that the appellate court suspended the order of conviction and sentence imposed against him by the trial court. The Appellate Court allowed Criminal Appeal No. 139 of 2004 vide judgement dated 07.02.2005 setting aside sentence of one month rigorous imprisonment but confirming the fine of Rs. 300/-. The Management vide order dated 17.03.2005 dismissed the workman from service stating that he was convicted by trial court and the conviction remains and therefore inclined to dismiss the workman from service. This order is passed arbitrarily and without conducting any enquiry as contemplated under the procedure for taking disciplinary action and in total violation of principles of natural justice. The workman there upon raised conciliation proceedings before the ALC(C) which ended in failure. thus, the reference made. The workman is not guilty of any crime which got anything to do with his employment with the Respondent bank. Solely on the basis of his conviction it can not be generalised that his credentials are not worthy of credence. The act on the part of the workman was not a conduct involving moral turpitude warranting imposition of dismissal. Payment of fine of Rs. 300/- is trivial in nature and the punishment of dismissal from service imposed by the Management for a such a trivial offence is very severe and disproportionately high. Neither the service conditions applicable to the workman nor the Banking Regulation Act, do not enumerate the offence under Sec. 9(1) of A.P. Gambling Act as moral turpitude. Further, when one Mr. Anjaneyulu, (E. No. 903) was involved in a criminal case on the allegation of committing the same offence and was convicted and sentenced to pay a fine of Rs. 300/-, during the year 1993 the Management of the Respondent bank conducted Departmental enquiry took a lenient view and has not awarded any punishment at all. Thus, the Respondent bank is adopting different methods while dealing with executives and sub-staff which amounts to discrimination. In case of Pawan Kumar Vs. State of Haryana and another 1996 (4) SCC 17, the Apex Court held that punishment of fine upto to certain limit say upto Rs. 2000/- or so on a summary/ordinary conviction shall not be treated as conviction at all for any purpose and all the whole for

entry into the retention in government service. For all these reasons the impugned order of dismissal is liable to be set aside. The workman could not get any alternative employment in spite of his best efforts. He, his wife and two children are totally depending upon mercy of his parents and other villagers. Therefore, the impugned order dated 17.03.2005 issued by the Management of the Respondent bank dismissing the workman for service of the bank is to be set aside ordering for reinstatement with full wages and continuity of service and all other attendant benefits.

3. The Respondents/Management filed their counter with the averments in brief as follows:

The reference itself is against established principles of law. The Management can dismiss an employee without conducting any enquiry and the Management can lead evidence and prove reasons for dismissing the employee before the competent court. This issue was settled long back i.e. in the year 1975 itself by the Hon'ble Supreme Court of India in the case of Cooper Engineering Ltd., vs. P.P. Mundhe (1975 2 LLJ page 379). The officials of the bank who were included as parties got nothing to do with the dispute. The dispute is between the bank and the employee only. The Respondent bank is a commercial bank which made considerable progress due to honest efforts, good Management and cooperation of the employees. Being a banking institution its business is solely depends upon the patronage of the customers which requires high degree of honesty, integrity, devotion to duty, promptness and diligence in discharging duties and also high degree of discipline from its employees. Thus, any kind of indulgence of an employee in any unlawful activity will adversely affect the customer relations and as such the employees working in the bank are required to maintain good amount of honesty, integrity, devotion to duty, high degree of discipline and decency. On 27.10.2004, on reliable information that the workman was conducting Matka on Shastry Road, Near Vysya Bank, the Sub-Inspector of Police, Sadasivapet Police Station along with his staff came and found the workman conducting Matka. At about 9.30 AM on that day he obtained the statement, conducted panchanama of the confession in the presence of Mr. Kummari Satyanarayana and Md. Sikinder who are also the employees of the bank. Police recovered an amount of Rs.130/- and four matka chitties from the workman, arrested him and took him to the Police Station. Thus, it is clear that the workman was involved in activities of moral turpitude due to which the Respondent bank's reputation got affected badly. STC No.270 of 2004 on the file of Addl. Judicial Magistrate of First Class, Sangareddy for the offence under Sec. 9(1) of A.P. Gambling Act was registered against the workman and the said fact was intimated to the bank by the Sub-Inspector of Police, Sadasivapet by virtue of letter dated 28.10.2004. The workman was prosecuted in the said case and while so he pleaded guilty of the offence under Sec.9(1) of A.P.

Gambling Act. Thereon he was convicted and was sentenced to undergo rigorous imprisonment of one month and to pay Rs. 300/- as fine in default to undergo simple imprisonment for two months vide judgement dated 27.10.2004. Thereafter the Vice President of the bank issued show-cause notice dated 27.11.2004 for which the workman gave his reply which was found not satisfactory. Thereon the impugned order dated 17.3.2005 was issued. Aggrieved by the same, the workman preferred an appeal to the next higher authority. Considering the grounds for appeal and other material on record the Appellate Authority confirmed the order passed by the Disciplinary Authority. The said proceedings are legal and valid and in accordance with law. The allegations made contra are all incorrect. Whenever an employee involved in an offence relating to moral turpitude, he can be dismissed from service without holding enquiry as per the Memorandum of Settlement dated 10.4.2002. The contention of the workman that his action is not involving moral turpitude warranting the imposition of dismissal is also baseless and incorrect. The offence in which the workman was involved is grave and serious in nature involving moral turpitude as such punishment of dismissal imposed is legally valid and justified. The case of another employee by name Mr. Anjaneyulu has no relevance to the facts of the present case and it happened in the year 1993. The gravity of the facts in both the cases are totally different and they are unequal by any comparison. The bank is neither discriminated the sub-staff. The case reported in 1996 4 SCC at page 17 has no relevance to the facts of the present case since the same dealt with service conditions of government servants. The workman is gainfully employed after leaving the service of the Respondent bank. He filed the present case only to have wrongful gain. As per the present legal position, even an acquittal in a criminal case will not nullify the decision taken by the Management. Whereas the workman has been convicted by the trial court and the same was confirmed by the appellate court. Therefore the dismissal order passed against him is legal, valid and justified. Any amount of indiscipline from the employees of the bank which is dealing with the public money effects its reputation in the eye of public. Therefore, the workman can not be continued in bank's service. The claim is liable to be dismissed.

4. To substantiate the contentions of the workman he examined himself as WW1, through him Ex.W1 to W8 were marked. On behalf of the Management MW1 was examined and Ex.M1 to M9 were marked. While MW1 was under cross examination Ex.W9 was marked.

5. Heard the arguments of either party. Written arguments were also filed for the Respondents and the same are considered.

6. The points that arise for determination are:

I. Whether the action of Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand

Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified?

II. To what relief the workman is entitled to?

7. Point No.I:

When the reference which is to be answered in this case and the language of the reference are minutely considered, what one can reasonably understand is that the referring authority is calling upon this forum to verify whether the action of the Management in rendering the order dated 17.3.2005 without conducting a domestic enquiry is proper and justified. That means the referring authority is not calling upon this forum to go into the merits and demerits of the order dated 17.3.2005. It is only asking this forum to verify whether passing of such order without conducting a domestic enquiry is proper and justified only.

8. In the light of the above, understanding of the reference made, the impugned order and circumstances surrounding it are to be verified. The material on record is disclosing that the workman has been working as a sub-staff of the Sadasivapet branch of the Respondent bank. While so, on 26.10.2004 during morning hours, he was found to be involved in 'Matka' in Sastry Road, of Sadasivapet near Vysya Bank and on information Police came there, apprehended him while he was in possession of matka chitties and also some cash, recorded his statement in the presence of two other bank staff who acted as Panchas, and recovered the said chitties and cash under the cover of a panchanama and arrested the workman, registered the crime under Sec. 9(1) of A.P. Gambling Act, and presented the case before Addl. Judicial First Class Magistrate, Sangareddy on whose file the said case has been registered as STC 270/2004. It is an admitted fact that when the workman was facing the prosecution in the said case, he pleaded guilty of the charge under Sec. 9(1) of A.P. Gambling Act. As can be gathered from Ex.W5, the copy of judgement rendered in STC 270/2004 dated 27.10.2004, the court found the plea of guilt made by the workman as voluntary, accepted the same and proceeded to find him guilty of the charge under Sec. 9(1) of A.P. Gambling Act, basing on such plea, convicted him and sentenced him to under go rigorous imprisonment for a period of one month and also to pay a fine of Rs. 300/-, with default sentence of simple imprisonment for a period of two months.

9. Aggrieved by Ex.W5 judgement the workman has preferred appeal in Criminal Appeal No. 139/2004 to the Court of Sessions, Medak at Sangareddy. By virtue of judgement dated 7.2.2005, a copy of which is marked as Ex.W7, the Appellate Court confirmed the finding of guilt and the conviction order passed by the trial court by virtue of Ex.W5 judgement, but modified the sentence imposed against the workman by limiting it to the payment of fine of Rs. 300/- only, setting aside the imposition of

sentence of rigorous imprisonment for a period of one month. That means, the appellate court also accepted the plea of guilt of the workman as voluntary and took the same as basis for confirming the finding of guilt of the workman and his conviction. Evidently, the said judgement became final and thus, binding on the workman, since it was not challenged before any forum.

10. But, contrary to the said judicial findings, the workman is making a claim that his plea of guilt was not voluntary and that it was forced from him by the Police by putting him under threats. But a fact to be noted is that at no point of time, and in spite of having due opportunity to contend so, i.e., at the time of preferring the appeal against Ex.W5 judgement, the workman has chosen to contend that his plea of guilt was not voluntary. Ex.W5 judgement clearly makes out that the appellant has not claimed any where in the grounds of his appeal that the plea of guilt made by him was not voluntary.

11. After, the workman was convicted by the trial court in STC 270/2004 the Disciplinary Authority issued Ex.W2 show cause notice dated 27.11.2004 calling upon the workman to show cause why he should not be dismissed from service of the bank in terms of Sec.10(1)(b)(i) of Banking Regulations Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.4.2002 and granting seven days time for the workman's reply. Ex.W3 is the reply dated 7.12.2004 given by the workman whereunder he stated that he preferred appeal against the judgement of the trial court and that the Appellate Court suspended the sentence imposed against him by the trial court till the disposal of the appeal and that he was pursuing the case for acquittal by the court. Evidently thereafter, the appellate court rendered Ex.W7 judgement confirming the conviction but modifying the sentence imposed against the workman by the trial court. Considering all these aspects the Disciplinary Authority rendered Ex.W5, the impugned order dated 17.3.2005 dismissing the workman from the service of the bank with immediate effect in terms of Sec.10(1)(b)(i) of Banking Regulation Act, 1949 and para 3(b) of Memorandum of Settlement dated 10.4.2002. This is the order which is now under challenge.

12. The above referred facts of the case clearly show that before passing Ex.W5 order, except for issuing a show-cause notice to the workman and securing his reply to it, the Disciplinary Authority has not taken up any enquiry. It is the claim of the workman that it is not legal, proper and justifiable action on the part of the Disciplinary Authority to pass the impugned order without any departmental enquiry. With this regard he is relying upon the principles laid down in the case of **Balubhai Amidas Khristi Vs. State of Gujarat and others, 1978 2 SLR 815, in this case no banking institution is a party and the provisions of Banking Regulations Act and the Memorandum of Settlement referred to in the present case were not under consideration.** Even otherwise, while

considering the case of a Civil Servant who was dismissed from service on his conviction by a criminal court for the offence of Varli Matka, Hon'ble the Gujarat High Court has observed that as per the procedure prescribed and rules governing the area, the Disciplinary Authority got discretion either to hold Departmental enquiry or otherwise while dealing with such cases. But it is held to the effect that while imposing major penalty on the ground of a conduct which has lead to the conviction of the employee on a criminal charge the Disciplinary Authority must give an opportunity to the said employee and also shall consider the conduct and circumstances which lead to the conviction under a criminal charge. The facts and circumstances of the cited case regarding dispensation of Departmental enquiry are different from that of the present case since, the present case is in connection with a banking institution and it is not so in the cited case.

13. Further more, in the present case, there is no violation of principles of natural justice on the part of the Disciplinary Authority. An opportunity has been given to the workman by way of issuance of show cause notice whereunder, the provisions of law and the part of the Memorandum of Settlement which the Disciplinary Authority intended to invoke for passing the order of dismissal have been disclosed to the workman calling upon him to show cause why such order should not be passed. If such provisions are not applicable to this case in the opinion of the workman, the avenue was open to him to say so, giving his reasons while giving his reply but he has not done so. It is not his case that the Disciplinary Authority has no discretion to dispense with the Departmental enquiry while acting upon his being convicted on a criminal charge by a court of law, and to pass an order imposing punishment on him on administrative side. Further more, Ex.W9 i.e., a copy of Chapter 8 of the Memorandum of Settlement, according to the workman itself, shows that an enquiry need not be held if the bank has issued a show cause notice to an employee advising him of misconduct and the punishment to which he may be liable for such misconduct. This provision is available in Clause 12 (e) (i) of Ex.W9.

14. No doubt for Ex. W2 notice issued by the Disciplinary Authority, the workman has given Ex.W3 reply whereunder he has not chosen to accept his guilt. But, a reading of Ex.W3 together with the factum of his plea of guilt made before the criminal court and which was found voluntary by the trial court as well as appellate court as already discussed above, what one can reasonably understand is that the workman has pleaded his guilt before all the relevant forums. In Ex.W3 reply he gave a reference to Ex.W1 letter dated 21.10.2004 addressed by him to the bank where under he claimed that he never committed any offence. But the fact remains that such claims were not made before the appellate court though the appeal proceedings took place much subsequent to the date of Ex.W1, and further the appellate court upheld the conviction of the workman ordered by

the trial court which was basing on the plea of guilt made by the workman before the said court. In the given circumstances, it can not be said that Disciplinary Authority has not followed the rules and regulations governing the service of the workman while taking action against him.

15. In any view of the matter it is the contention of the Respondent bank that Ex.W9 is not a part of the Memorandum of Settlement dated 10.4.2002. When such plea has been taken, it is bounden duty of the workman to prove that it is part of the said settlement by adducing relevant evidence, as rightly contended for the Respondent. He failed to do so.

16. Further more, it is an admitted fact that as per the rules governing the service of the bank employees, when an employee is convicted of an offence involving moral turpitude by a criminal court, he is liable to be dismissed from service of the bank by the Disciplinary Authority. Though, the reasonableness or otherwise of the order of dismissal is not a question under the present reference and the only question to be decided is whether the order of dismissal is legal and justified since it has been issued without Departmental enquiry, as the question whether the offence involved in this case is an offence involving moral turpitude, has been raised time and again by the parties to the proceeding and an elaborate discussion has taken place, it is the duty of this Tribunal to go into it incidentally.

17. Even as per the case of Balubhai Amidas Khristi referred to above and which has been relied upon by the workman himself, Hon'ble the Apex court has considered the question whether an act of gambling is an offence involving moral turpitude, way back in the year 1957, in the case of state of Bombay vs. R.M.D. Chamar Baugwala AIR 1957 SC 599 and held that the vice of gambling was frowned upon by the society and it is a shocking conduct. Hon'ble High Court of Gujarat, though noted of this finding in the case of Balubhai Amidas Khristi, held that the changing scenario in 20th century circumstances remained different. But the fact remains that it is the verdict of Hon'ble Supreme Court of India that the gambling is an offence which is to frowned upon by the society and it is a shocking conduct.

18. In the case of Pawan kumar Vs. State of Haryana and another [1996 (73) FLR page 1501, Supreme Court] Hon'ble the Supreme Court has defined the expression - moral turpitude used in legal and also societal parlance, as the conduct which is inherently base, vile, depraved or having connection showing depravity. When this finding is considered in the light of the verdict of Hon'ble the Supreme Court given in the case of State of Bombay Vs. RMD Chamber Baugwala referred to above, what one can reasonably understand is that the act of gambling squarely falls under this definition of moral turpitude.

19. It is an undisputed fact that as per the rules governing the banking service and the settlements arrived

at between the employees and Management of the banking institutions the employee who committed the offence involving moral turpitude and is convicted by a court of law can be dismissed from service by the Disciplinary Authority.

20. It is the other contention of the workman that he has been discriminated by the Respondent bank in awarding the punishment of dismissal though for similar conduct i.e., conviction for the offence under Sec.9(1) of A.P. Gambling Act, way back in the year 1993 another employee by name Sri Anjaneyulu was not at all punished even though departmental enquiry was conducted against him. Whereas it is the contention of the Respondent bank that the case of Sri Anjaneyulu is totally different from that of the workman. In such case, it is for the appellant to establish that the case of Sri Anjaneyulu is similar to that of his case and in spite of it he has been discriminated by the Respondent bank, though this is not a point which can cover the question referred in the present reference as it has been seriously raised by the workman it is being mentioned.

21. In view of the foregone discussion of the material on record, it can safely be held that the action of the Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified.

This point is answered accordingly.

22. Point No.II:

In view of the finding given at Point No.I the workman is not entitled for any relief sought for.

This point is answered accordingly.

Result:

In the result, the reference is answered as follows:

The action of Management of M/s. ING Vysya Bank Ltd., Hyderabad in dismissing Sri J. Anand Gupta, Sub-staff, Sadasivapet branch of the bank from service with effect from 17.3.2005 without conducting a domestic enquiry is proper and justified. In the circumstances the workman is not entitled for any relief.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 29th day of October, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri J. Anand Gupta

Witnesses examined for the Respondent

MW1: Sri T.S. Krishna Rao

Documents marked for the Petitioner

- Ex. W1: Photostat copy of lr.dt.29.10.2004 addressed to the Vice President, Ing Vysya Bank Ltd., Regional Office, Hyderabad
- Ex. W2: Photostat copy of show cause notice dt. 27.11.2004
- Ex.W3: Photostat copy of WW1's explanation dt. 10.12.2004
- Ex.W4: Photostat copy of dismissal order dt. 17.3.2005
- Ex.W5: Photostat copy of order dt. 27.10.2004 made un STC No. 270/2004
- Ex.W6: Photostat copy of order passed by the Hon'ble Addl. Judicial Magistrate of First Class, Sangareddy dt. 28.10.2004
- Ex.W7: Photostat copy of orders dt. 8.11.2004 made in Crl M.P. No.1114/04 in Crl. A. No.139/04 by the Hon'ble Court of Principal Sessions Judge, Medak
- Ex.W8: Photostat copy of judgement dated 7.2.2005 made in Crl. Appeal No.139/04
- Ex.W9: Photostat copy of settlement dt. 10.4.2002 on disciplinary action procedure for award staff

Documents marked for the Respondent

- Ex. M1: Certified copy of judgement passé din STC No.270/2004 on the file of Addl. Judicial First Class Magistrate, Sangareddy.
- Ex. M2: Photostat copy of judgement dated 7.2.2005 made in Crl. Appeal No.139/04
- Ex. M3: Photostat copy of show cause notice dt. 27.11.2004
- Ex. M4: Photostat copy of chargesheet submitted by the Police authorities in STC No.270/2004
- Ex. M6: Photostat copy of lr. sent by Sadashivpet Police Station dt. 28.10.2004
- Ex. M7: Photostat copy of order passed in WP No. 23061/2004
- Ex. M8: Office copy of dismissal order dt. 17.3.2005
- Ex. M9: Office copy of order in appeal dt.26.8.2005

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3112.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार धनलक्ष्मी बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अरूनाकुलम के पंचाट (संदर्भ संख्या 24/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 को प्राप्त हुआ था।

[सं. एल-12012/11/ 2011-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2011) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of Dhanalaxmi Bank Ltd and their workmen, received by the Central Government on 24/11/2014.

[No. L-12012/11/2011- IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

PRESENT :

SHRI.D.SREEVALLABHAN, B.Sc., LL.B,
Presiding Officer

(Tuesday the 21st day of October, 2014/29th Asvina,
1936)

ID 24/2011

Workman : Shri Babumon C
Weavers Colony
Thykadappuram
Neeleswaram
Kasargod - 671314
By Adv. Smt Sajitha S Dharan

Management : The Assistant General Manager
Dhanalaxmi Bank Ltd.
Dhanalaxmi Buildings Naickanal
Trichur Kerala - 680001
By M/s. B. S. Krishnan Associates

This case coming up for final hearing on 08.10.2014 and this Tribunal-cum-Labour Court on 21.10.2014 passed the following:

AWARD

In exercise of the powers conferred by clause (d) of sub-section(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government/Ministry of Labour as per Order No-L-12012/11/2011-IR(B-I) dated 28.06.2011 referred the industrial dispute scheduled thereunder for adjudication to this tribunal.

2. The dispute is:

"Whether the action of the management of Dhanalaxmi Bank Limited, Trichur, Kerala in terminating the services of Shri Babumon C, Employee Code No.4502 of Kannur branch, vide their order date 25.09.2010 is legal and justified? To what relief the workman is entitled?"

3. Workman was appointed as Relationship Manager in the Kannur branch of the management bank on 20.03.2010. He was terminated from service on 25.09.2010. Challenging the validity and the legality of the termination he had raised the industrial dispute which resulted in this reference.

4. After appearance before this tribunal workman filed claim statement. The allegations made therein, in brief, are that at the time of his appointment as relationship Manager he was informed that he would be in charge of four branches and he will be assisted by four relationship officers. At the time of interview the offer was for appointment as Non-sourcing and Team handling(Grade 1-Manager) in Kasargod area. But he was appointed as relationship manager in the Kannur branch. When he enquired about it to the Area Sales Manager Mr. Jimmy Dominic, Regional Sales Manager Mr. Vinod Anilkumar and HRD Manager Mr. Amith Antony they behaved in a very rude and inhumane manner. He was not entrusted with the responsibilities of any branch and was not provided with the job profile as promised by the management bank. In spite of repeated requests made by him he was not given the job profile. It was because of the offer made at the time of interview that he would be given posting in Kasargod District he had resigned from the service of ICICI Prudential Bancassurance and joined in the management bank. He was having six years' experience in the insurance field. He had maximum business in the Kozhikode region. It is incorrect to say that his conduct and performance level is not even below the average but could only be rated as zero. He was not intimated about performance level. Being the relationship manager there was no occasion for him to approach the general public directly. He used to participate actively in the training programmes conducted by the management bank. Even though the 'DAR' is actually meant for sales executives and relationship officers he had also to furnish the same. It is not correct to say that he was given counseling to improve his performance. He had not violated the conditions of appointment for termination of his service during probation. He did not receive any notice before termination. He was denied employment without hearing him and in violation of the rules and regulations. As per the Exit Management Process of the management bank he is to be given three months' notice with three months' salary as CTC/gross salary for termination of service. Management bank did not pay the salary for the month of September, 2010 and conveyance allowance @ ₹ 4,500/- per mensem from the date of appointment. It is not correct to say that he being the relationship manager will not come within the purview of the definition of workman under the Industrial Disputes Act. Because of the persistent demands made by him for the work profile to the Area Sales Manager and Regional Sales Manager he was asked to resign from service or to act in accordance with the directions of his superiors. Afterwards he was transferred to Kattambally branch as

a revenge. His request to the HRD manager Mr. Srikant at Thrissur branch for a transfer to another branch was not considered and on 10.09.2010 he was asked to report before the Regional Office. The Area Sales Manager Mr. Jimmy Dominic and Regional Sales Manager Mr. Vinod Anilkumar asked him to resign from service or else he would be terminated from service. He had disagreed with their demand for resignation. On 30.09.2010 he was asked to appear before the Kozhikode branch and without notice he was terminated from service. The continuous demands made by him for the work profile provoked them for the illegal termination of his service. Their behaviour resulted in the resignation of other employees also. Since the termination of his service is illegal he is entitled to be reinstated with continuity of service, back wages and all other consequential benefits.

5. Management filed written statement challenging the maintainability of the reference on the ground that the provisions of the ID Act are not applicable to the workman as he is not a workman as defined under the said Act. It is further contended that all the terms and conditions of service were categorically narrated in the offer of appointment sent through e-mail dated 19.03.2010 and the appointment letter dated 04.06.2010 issued to him. The allegations in the claim statement that at the time of appointment the workman was informed that he would be in charge of four branches and he would be assisted by four relationship officers and that at the time of interview he was informed that he would be appointed as a Non-sourcing and Team handling profile at Kasargod are not true. The allegations that he was told by the management that he would be transferred to Kasargod and that the ASM, RSM and HRD behaved rudely and in an inhumane manner when he enquired about the non-entrustment of the job profile promised to be given to him are not correct. He was satisfied with the terms and conditions of service and that is why he had resigned from the service of the ICICI Prudential. His performance level as well his conduct was not at all satisfactory. He was below average. His insubordination to the superiors was very well reflected throughout the period of his probation. He was given e-mail communications and warnings for his insubordination and lack of performance. The averment that the workman being the relationship manager was not having any occasion to approach the general public directly is denied. He was not actively participating in the training programmes. The training programme is vital for improving the performance of the employees and its non-attendance is detrimental to the interest of the bank. Explanation was called for from him vide e-mail dated 21.08.2010 for his failure to attend the training programme. He was counselled several times to improve his performance and his conduct towards his superiors. He had to submit the DAR to the area sales manager. It is an essential part of his duty but he was not submitting it in spite of several e-mail communications. E-mail communication dated 15.09.2010 was sent to him asking

his explanation for not terminating him from service by invoking Clause 7(iii) of the appointment letter dated 04.06.2010 owing to poor performance in the business, insubordination to his superiors and non-attendance of training programmes. He did not respond and hence his service was terminated by issuing termination order dated 25.09.2010. He had violated the conditions of appointment in Clause 6(i) of the appointment letter. The allegation in the claim statement that he had not received any notice before termination is wrong. The allegation that he has not received salary and conveyance allowance is denied. He is not entitled for three months' notice or three months' salary in lieu of notice since he was terminated from service by invoking Clause 7(iii) of the appointment letter. The transfer to Kattampally branch was not on account of revenge as alleged by him. He was never been asked by the management bank to resign from service. He was on probation for a period of 12 months as per the terms and conditions of the appointment letter. The confirmation was subject to the satisfactory performance and conduct of the workman. He was not terminated illegally and hence he is not entitled to any relief as claimed by him.

6. Workman filed rejoinder denying the contentions in the written statement and reaffirming the allegations in the claim statement.

7. Evidence, both oral and documentary, was adduced from both sides. From the side of the workman he was examined as WW1 and Exts.W1 to W6 were marked. For the management one witness was examined as MW1 and Exts.M1 to M11 were marked.

8. The points for determination are:

- (i) Whether the workman will come within the purview of the definition under Section 2(s) of the Industrial Disputes Act?
- (ii) Whether the termination of his service is to be in accordance with Section 25F of the Industrial Disputes Act?
- (iii) Whether the workman is entitled to any relief?

9. **Point No.(i):**-Maintainability of the reference itself depends upon the question as to whether the workman is one coming within the purview of the definition of 'workman' under section 2(s) of the ID Act. He was appointed as relationship manager in the service of the management bank vide appointment letter dated 04.06.2010, marked as Ext.W1 from the side of the workman and the copy of which was marked as Ext.M2 from the side of the management. His duties and responsibilities are stated in para 6 of the appointment letter. It is expressly stated therein that his duties are entirely managerial in nature. Para 6(i) in it is relevant to consider whether he is a workman and hence the same is extracted below:-

- "(i) Your duties are entirely managerial in nature and the Bank will expect you to work with a high standard of initiative, efficiency and economy and

encourage and motivate people under you to achieve optimum output. You will perform, observe and confirm to such duties, directions and instructions assigned or communicated to you by the Bank and those in authority over you."

10. It is expressly stated that his duties are entirely of managerial nature. His total emoluments per annum is Rs. 4,25,000/-. So from Ext.M2 it is very clear that the duties are of managerial in nature and also in a supervisory capacity with salary and allowances amounting to Rs. 4,25,000/- per annum.

11. In paragraph 2 of the claim statement it is alleged that at the time of appointment he was informed that he would be in charge of four branches and would be assisted by four relationship officers, but he was not entrusted with the responsibility of any of those branches. The workman when examined as WW1 has stated during his cross examination that he was in manager cadre for supervising the work of eight Assistant Managers. It was asserted by him that he was in manager cadre and the subordinate officers had to submit DAR to him. The allegation that he was not given charges of four branches is not proved by adducing any convincing evidence. There is ample evidence in this case to prove that he was discharging managerial functions and was supervising the work of assistant relationship managers. Even though it was stated by him that he was assigned with the duty to canvass business it cannot be accepted as true in view of the express allegations made in Para-5 of the claim statement that he being the relationship manager had no occasion to approach the general public directly. In paragraph 3 of the proof affidavit of MW1 it is averred that the workman was given the work as offered at the time of interview and as mentioned in the appointment letter and hence he is not a workman under the ID Act. He was not cross examined by the workman and hence the same can also be relied on to prove that he was discharging duties of managerial nature.

12. In view of the aspects discussed above it can very well be held that the workman was employed mainly in a managerial or administrative capacity and also in a supervisory capacity drawing wages of more than ₹10,000/- per mensem. He was discharging the functions mainly of a managerial nature. Hence he will not come within the purview of the definition of 'workman' under section 2(s) of the Industrial Disputes Act.

13. Point No.(ii):-It is not in dispute that he was terminated from service by issuing termination order dated 25.09.2010, copies of which were marked as Ext.W2 and Ext.M11. The termination was not in accordance with the provisions contained in section 25F of the Industrial Disputes Act. As it is already found that he is not a workman as defined under the provisions of the Industrial Disputes Act there is no question of complying with the mandatory requirements as provided under section 25F of the Industrial Disputes Act. The legality and

justifiability of the termination of his service in the management bank cannot be decided in this reference.

14. Point No.(iii):-As it is found that he is not a workman as defined under section 2(s) of the Industrial Disputes Act he is not entitled to any relief in this case.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 21st day of October, 2014.

D. SREEVALLABHAN, Presiding Officer

APPENDIX

Witness for the workman

WW1 28.01.2014 Shri C Babumon

Witness for the management

MW1 25.06.2014 Shri Vinod Anilkumar

Exhibits for the workman

- W1 - Appointment letter No.DLB/HR/610004 dated 04.06.2010 issued by the Senior Vice President-HR, Dhanlaxmi Bank Ltd., Thrissur to the workman
- W2 - Copy of Termination Order No.PER:CON: 2024:2010-11 dated 25.09.2010 issued by the Senior Vice President - HR, Dhanlaxmi Bank Ltd., Thrissur to the workman
- W3 - Copy of Exit Management Process
- W4 - Copy of letter dated 08.10.2010 addressed to the Assistant Central Labour Commissioner, Kakkanad, Ernakulam by the workman
- W5 - Copy of the reply letter dated Nil addressed to the Assistant Labour Commissioner (Central), Office of the Regional Labour Commissioner(Central), Kendriya Shram Sadan,Olimughal, Kakkanad, Kochi by the management bank
- W6 - Copy of the Minutes of Conciliation Proceedings held on 29.12.2010 with the management bank and the workman

Exhibits for the management

- M1 - Copy of the E-mail communication as to the offer of appointment dated 19.03.2010 sent by the Manager-Human Resources, Dhanlaxmi Bank Ltd., Corporate Office, Thrissur to the workman
- M2 - Copy of the appointment letter No.DLB/HR/ 610004 dated 04.06.2010 issued by the Senior Vice President-HR, Dhanlaxmi Bank Ltd., Thrissur to the workman

- M3 - Copy of the e-mail communication dated 14.09.2010 regarding the performance of the workman from Shri Jimmy Dominic to Shri Sreekanth T V
- M4 - Copy of the e-mail communication dated 14.09.2010 from Shri Sreekanth T V to Shri Jimmy Dominic
- M5 - Copy of the e-mail communication dated 14.09.2010 regarding the performance of the workman from Shri Jimmy Dominic to Shri Sreekanth T V
- M6 - Copy of the e-mail communication dated 21.08.2010 from Shri Jimmy Dominic to the workman
- M7 - Copy of the the e-mail communication dated 21.08.2010 from the workman to Shri Jimmy Dominic
- M8 - Copy of the e-mail communication dated 21.08.2010 from Shri Jimmy Dominic to the workman and another
- M9 - Copy of the e-mail communication dated 14.08.2010 from Shri Jimmy Dominic to the workman
- M10 - E-mail communication dated 20.09.2010 sent by the Sr.Vice President-HR, Dhanlaxmi Bank to the workman
- M11 - Copy of Termination Order No.PER:CON: 2024:2010-11 dated 25.09.2010 issued by the Senior Vice President - HR, Dhanlaxmi Bank Ltd., Thrissur to the workman

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईआरसीटीसी प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकता के पंचाट संदर्भ संख्या (64/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 प्राप्त हुआ था।

[सं. एल-41012/46/ 2013-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November 2014

S.O. 3113.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of IRCTC and their workmen, received by the Central Government on 24/11/2014.

[No. L-41012/46/2013 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 64 of 2013

Parties: Employers in relation to the management of
IRCTC, Regional Office

AND

Their workmen

Present: Justice Dipak Saha Ray,
....Presiding Officer

Appearance:

On behalf of the : Ms. Paushali Banerjee, Ld.
Management Counsel on behalf of IRCTC,
Regional Office.

On behalf of the :
Workmen

State: West Bengal.

Industry: Railways.

Dated: 10th November, 2014.

AWARD

By Order No.L-41012/46/2013-IR(B-I) dated 09.12.2013 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action on the part of the mgt of IRCTC and the contractor Swastika Enterprise Kolkata both jointly taking action not to re-engage Shri Tushar Kant Behera, Data Entry Operator with them either through contractor or IRCTC directly is legal and justified? To what relief the workman is entitled?"

2. When the case is taken up today, none appears either on behalf of the workman or M/s. Mind Mart (Allied Manpower Service Provider) or M/s. Swastika Enterprises (Consultancy Organization) inspite of service of notice though the IRCTC, Regional Office is represented by its Ld. Counsel. It appears from the record that none ever appeared nor any step was taken on behalf of the workman concerned to proceed with this reference. From the above facts and circumstances it is clear that the concerned workman at whose instance this reference case has been initiated is not at all interested to proceed with this reference. So, no fruitful purpose will be served in keeping the matter pending.

3. In view of the above facts and circumstances the present reference is disposed of by passing a "No Dispute Award".

Justice DIPAK SAHA RAY, Presiding Officer
Kolkata, the 10th November, 2014

नई दिल्ली, 28 नवम्बर, 2014

SCHEDULE

का.आ. 3114.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीकमागलर कोडागु ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट (संदर्भ संख्या 78/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2014 प्राप्त हुआ था।

[सं. एल-12012/70/2008-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.78/2008) of the **Cent.Govt.Indus.Tribunal-cum-Labour Court, Bangalore** as shown in the Annexure, in the industrial dispute between the management of **Chikmalur Koddagu Grameena Bank**, and their workmen, received by the Central Government on 24/11/2014.

[No. L-12012/70/2008 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE**BEFORE THE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**

DATED : 17th NOVEMBER 2014

PRESENT : Shri S N NAVALGUND
Presiding Officer**C R No. 78/2008**

I Party

II Party

Sri S Lokesh Kumar,	The Chairman,
S/o Sri N Swamy Gowda,	Chikmagalur Kodagu
No. 18/71, Sudarshan	Grameena Bank,
Extension,	P B No. 111, I G Road,
MADIKERE - 571 201.	CHICKMAGALUR - 577 101.

AppearancesI Party : **Shri D P Prasanna**
AdvocateII Party : **Shri N Srinivasa Rao**
Advocate**AWARD**

1. The Central Government vide order No. L-12012/70/2008-IR(B-I) dated 18.12.2008 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

"Whether the action of the management of Chikmagalur Kodagu Grameena Bank in dismissing the services of Sri S Lokesh Kumar w.e.f. 01-01-1999, is legal and justified? If not, to what relief he is entitled to?"

2. On receipt of the reference while registering it in CR 78/2008 when notices were issued to both the parties they entered their appearance through their respective advocate and I Party filed his claim statement on 08.11.2010 and II Party filed its counter statement on 06.12.2010.

3. The brief facts leading to this reference and award may be stated as under.

4. The I party while working as Messenger cum Sweeper at II Party Office at Chickmagalur was served with charge sheet dated 07.04.1998 as under :

"Charge Sheet

You had worked as Messenger-cum-Sweeper of our Madikeri Branch for the period from 02.07.1993 to 08.01.1998.

Article of Charge No. 1

That you have temporarily misappropriated various amounts aggregating Rs. 8500/- entrusted to you by Sri M Ponner, C/o Chitra Lodge, Main Road, madikeri, a prospective customer of our Madikere Branch during the period from September 1997 to December 1997.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 2

That you have temporarily misappropriated various amounts aggregating Rs. 2000/- entrusted to you by Sri G Kumar, C/o Chitra Lodge, main Road, Madikeri, a prospective customer of our Madikeri Branch, during the period from 5.11.1997 to 29.12.1997.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 3

That you collected the proceeds of Rs. 800/- each in respect of OBC 21:110:97-98 dated 14.10.1997 and OBC:21:123:1997-98 dated 03.11.1997 of our Bokeri Branch sent for collection to Madikeri Branch from Madikeri Town Co-operative Bank Limited, Madikeri, on 10th October 1997 and 5th November 1997 respectively. That you failed to remit the said amounts on the respective dates of collection and finally remitted the aggregative amount of Rs. 1600/- only on 11th November 1997 and thereby temporarily misappropriated the Bank funds.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985.

Article of Charge No. 4

That you misappropriated an amount of Rs. 400/- entrusted to you by Sri J Ravi C/o B Swamy, Madikeri, a prospective customer of our Madikeri Branch during the period from August 96 to 03.03.1998.

By your aforesaid acts of omission and commission, you failed to serve the Bank honestly and faithfully and to use your utmost endeavour to promote the interest of the Bank and thereby knowingly did the acts highly detrimental to the interest of the Bank, in violation of Regulation 19 and 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985 and thereby you have committed serious misconduct punishable under regulation 30(1) of Chikmagalur Kodagu Grameena Bank Staff Service Regulations 1985."

Though the I party by his reply dated 16.04.1998 admitted the charges qualified it saying that it occurred due to his misunderstanding the Disciplinary Authority ordered to face enquiry by appointing Sh. K Chandrakanth Nayak as Enquiry Officer and Sh. N Krishna Pai as Presenting Officer. The Enquiry Officer securing the presence of CSE/I Party and the Presenting Officer on 06.08.1998 while observing the formalities of preliminary hearing when asked him whether he confirm the admission of charges given by him through his reply to the charge sheet dated 16.04.1998 he agreed in other words he confirmed having accepted the charges levelled against him, the Enquiry Officer on the same day while receiving the documents tendered by the Presenting Officer with the consent of the CSE/I Party marking them as Ex M-1 to Ex M-34 the detailed description of which are narrated in the Annexure and as CSE/I Party submitted that he has no defence to make he concluded the enquiry and submitted his enquiry finding dated 01.09.1998 to the

Disciplinary Authority charge being proved. Then the Disciplinary Authority while sending the copy of the enquiry finding to the CSE called upon him to give his comments/reply within 15 days through his letter dated 07.09.1998 and as he gave his reply dated nil received by the Disciplinary Authority on 02.11.1998 stating that he has nothing to say and as he has sufficiently repented for his action and requested to view leniently the Disciplinary Authority by his proceedings dated 20.11.1998 arrived at conclusion of proposing the punishment of Dismissal and gave a show cause notice as to why he should not be dismissed from service. On his reply dated 30.11.1998 wherein also he has not disputed the charges levelled against him and claimed leniency on the same day giving him a personal hearing, on 01.01.1999 he passed the order Dismissing him from Service. Then the I party approached the ALC(C), Mangalore with conciliation petition which ended by his submission of failure report dated 21.04.2008 the ministry made this reference for adjudication.

5. The I party in his claim statement since contended his confessional statement was obtained by coercion using undue influence assuring the continuance of his services, the finding of the Enquiry Officer being given without examining any witnesses the same is perverse and the punishment imposed is disproportionate while raising a Preliminary Issue as to

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

After receiving the evidence adduced by both the sides and hearing the arguments addressed for both the sides by order dated 13.10.2011 since it came to be answered in affirmative holding that the Domestic Enquiry conducted by the II party against the I Party is fair and proper the I Party was called upon to lead evidence on victimization if any and being not gainfully employed, on his advocate filing his affidavit and examining him on oath as WW 1 (V) and the learned advocate submitting that there is nothing in his affidavit being victimized he has no cross-examination and also no rebuttal evidence the learned advocate appearing for both sides filed their written arguments wherein they have reiterated the averments made in the claim statement and contention of the counter statement.

6. In view of the Domestic Enquiry being held as fair and proper the points now that arises for my consideration are :

Point No. 1 : Whether the finding of the Enquiry Officer the charge being proved on the basis of the admission of charges before him is perverse?

Point No. 2 : If not, whether the punishment imposed is disproportionate to the misconduct proved against the I party?

Point No. 3 : What Order/Award?

7. On appreciation of the pleadings, evidence brought on record in the Domestic Enquiry and arguments put forward by the learned advocates appearing for both the sides my finding on Point Nos. 1 and 2 are in the Negative and Point No. 3 is as per the final order for the following.

REASONS

8. As already adverted to by me above the CSE/I Party on receipt of the charge sheet by way of his reply to the Disciplinary Authority conceded to the charges levelled against him qualifying it that it was due to his misunderstanding and even before the Enquiry Officer he confirmed his acceptance of the charges and submitted that he has no defence to make and during the enquiry on the Domestic Enquiry issue before this tribunal since he failed to demonstrate that the confession/ acceptance of charges by him was outcome of any persuasion or undue influence as claimed in the claim statement that issue came to be answered against him his claim that he had not accepted the charges voluntarily being not accepted there was no need for the Enquiry Officer to proceed to record the evidence of management witnesses and as the CSE/I Party consented to exhibit the documentary evidence he received them by exhibiting them as Ex M-1 to Ex M-34 and considering them he has given his finding charge being proved. The Enquiry Officer having regard to the plea of the acceptance of charges by the CSE/I Party and discussing the documentary evidence tendered by the management by his detailed finding held the charges as proved. The learned advocate appearing for the I Party failed to demonstrate how his finding could be termed as baseless or perverse. Under the circumstances, I have no reason to say or term the finding of the Enquiry Officer charge is proved as baseless or perverse. Since the charges against the I Party was of temporary misappropriation of the customers money collected by him in a banking institution continuing such person in service being dangerous the decision arrived at by the Disciplinary Authority by giving cogent reasons in his order proposing the punishment of Dismissal as well as in the order of dismissal passed by him cannot be said to be unreasonable or disproportionate to the misconduct proved against the I party. Under the circumstances, since I find no reason to set aside the enquiry finding or to term the punishment of dismissal as disproportionate; I proceed to pass the following

ORDER

The Action of the management of Chikmagalur Kodagu Gramina Bank in dismissing the services of Sri S Lokesh Kumar w.e.f. 01.01.1999 is legal and justified and that he is not entitle for any relief.

(Typed to my dictation by U D C, corrected and signed by me on 17th November 2014)

S. N. NAVALGUND, Presiding Officer

ANNEXURE - I

Witnesses examined on behalf of II Party:

MW 1 - Chandrakanth Nayak, Enquiry Officer

Witnesses examined on behalf of I Party:

Nil

Documents exhibited in the Domestic Enquiry on behalf of management:

- | | | |
|---------|---|--|
| Ex M-1 | : | Complaint letter dated 30.12.1997 of Sri Ponner |
| Ex M-2 | : | Fictitious Savings Pass Book issued to Sri Ponner bearing SB Account No. 2925 |
| Ex M-3 | : | Fictitious Savings Bank Account opening form held in the name of Sri M Ponnar |
| Ex M-4 | : | SB Ledger Folio of SB Account No. 2925 |
| Ex M-5 | : | Photostat copy of SB Account opening form and specimen signature card originally held in the name of Sri Cheluvamani V R at our Madikeri Branch |
| Ex M-6 | : | Letter dated 01.01.1998 received from Sri S Lokesh Kumar |
| Ex M-7 | : | Complaint letter dated 30.12.1997 of Sri G Kumar |
| Ex M-8 | : | Fictitious S B Pass Book issued to Sri G Kumar bearing SB Account No. 2951 |
| Ex M-9 | : | Fictitious SB Account opening form held in the name of Sri G Kumar bearing S B Account No. 2951 |
| Ex M-10 | : | SB ledger Folio of SB Account No. 2951 |
| Ex M-11 | : | Photostat copy of the SB Account opening form and specimen signature card originally held in the name of Sri M M Kaleem Ahmed at Madikeri Branch |
| Ex M-12 | : | Cash Credit Challan bearing No. 10976 dated 29.12.1997 for Rs. 7500.00 for credit of suspense creditor account of M Ponner |
| Ex M-13 | : | Cash Credit challan bearing No. 10977 dated 29.12.1997 for Rs. 2000.00 for credit of Suspense creditor account of Sri G Kumar |
| Ex M-14 | : | Letter dated 30.12.1997 from Manager, madikeri Branch |
| Ex M-15 | : | Copy of the folio Nos. 142, 143, 144 and 145 of Register of Cheques and drafts received for collection at Madikeri Branch |

- Ex M-16 : Copy of the Branch advice No. 726 dated 11.11.1997 for Rs. 1600.00 of Madikere Branch
- Ex M-17 : Cash Credit Challan No. 249762 dated 11.11.1997 for Rs. 800.00 for credit of Head Office General Account, Boikeri Branch being the OBC 20/23/97.
- Ex M-18 : Cash Credit Challan No. 249763 dated 11.11.1997 for Rs. 800.00 for credit of Head Office General Account, Boikeri Branch being the OBC 20/110/97.
- Ex M-19 : Copy of the cheque collection forwarding letter of Boikeri Branch, dated 14.10.1997 alongwith copy of the Cheque bearing No. 019539/5/7/1997 for Rs. 800.00 of OBC 21:110:1997-98
- Ex M-20 : Copy of Cheque collection forwarding letter of Boikeri Branch dated 03.11.1997 alongwith copy of the cheque bearing No. 01692:5:8:97 for Rs. 800.00 of OBC:21:123:1997-98
- Ex M-21 : Letter dated 11.11.1997 of Sri C Lokesh Kumar, Chiko Bank, Madikeri
- Ex M-22 : Report dated 02.01.1997 of Sri D A Ramachandra Murthy, Officer, Inspection Department, Head Office, Chikmagalur.
- Ex M-23 : Complaint letter dated 23.02.1998 of Sri J Ravi
- Ex M-24 : Fictitious SB Pass Book issued to Sri J Ravi
- Ex M-25 : Letter dated 28.02.1998 of the Manager, Madikeri Branch
- Ex M-26 : Letter dated 17.03.1998 of Sri S Lokesh Kumar
- Ex M-27 : Report dated 21.03.1998 of Sri D A Ramachandramurthy, Officer, Inspection Department, Head Office
- Ex M-28 : Photostat copy of the SB Ledger folio of Account No. 2849 originally held in the name of Smt. K G Parvathy at Madikeri Branch
- Ex M-29 : Photostat copy of SB Account opening form and SB specimen signature card of Account No. 2849
- Ex M-30 : Letter dated 20.03.1998 submitted by Sri D A Ramachandra Murthy, Officer, Inspection Department
- Ex M-31 : Cash Credit Challan No. 203210 dated 20.02.1998 for credit of SB Account No. 2849 in the name of Sri J Ravi at Madikeri Branch

- Ex M-32 : Cash Credit Challan No. 190981 dated 03.03.1998 for credit of Suspense Creditors Accounts of Sri J Ravi, at Madikeri Branch
- Ex M-33 : Letter written by Sri K P Aiyyanna, E-7, Clerk, Chikmagalur Kodagu Grameena Bank, Madikeri Branch
- Ex M-34 : Letter written by Sri K P Aiyyanna, E-7, Clerk, Chikmagalur Kodagu Grameena Bank, Madikeri Branch.

Documents exhibited on behalf of the CSE in Domestic Enquiry :

Nil

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई एन जी वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 01/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 प्राप्त हुआ था ।

[सं. एल-12012/156/2006-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of ING Vysya Bank Limited and their workmen, received by the Central Government on 27/11/2014.

[No. L-12012/156/2006-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 10th November, 2014

PRESENT : Shri S N NAVALGUND,
Presiding Officer

C R No. 01/2007

I Party

Shri M A Suryanarayana
Shastri, S/o M S
Anatharama Shastri,
"Sree Rama Krupa",

II Party

The Vice President,
ING Vysya Bank Limited,
22, M G Road,
BANGALORE - 560 001.

3/1, I Main Road,
4th Cross, Govindaraja
Nagara, Vijaynagar Post,
Bangalore - 560 040.

Appearances :

I Party : Shri V S Naik,
Advocate

II Party : Shri B C Prabhakar,
Advocate

AWARD

1. The Central Government vide order No. L-12012/156/2006-IR(B-I) dated 07.12.2006 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

SCHEDULE

"Whether the management of ING Vysya Bank Limited is justified in dismissing Shri M A Suryanarayana Shastry from service? If not, to what relief he is entitled to?"

2. On receipt of the reference while registering it in CR 01/2007 when notices were issued to both the sides, they entered their appearance through their respective advocates and I party filed his claim statement on 07.05.2007 and II Party filed its counter statement on 09.09.2010.

3. The I Party in his claim statement asserts that he joined the services of the II Party on 03.05.1979 at K G Road Branch and in the year 1984 he was transferred to Hunsur Branch and later to Mysore Main Branch in the year 1993. He further asserts that management had issued him Articles of Charges dated 18/20.12.2001 and 25/26.02.2002 for his absenteeism from duty from 08.07.2001 to 07.09.2001 and 18.12.2001 to 01.02.2002 without prior permission or sanction of leave under 19.5(e) and 19.5(p) of Bipartite Settlement though he wanted to avail VRS as notified by the management during March 2002. He also states that he was unauthorisedly absent from duty for the said period due to ill-health of his wife and same was also stated in the Domestic Enquiry and requested to take lenient view in this regard and without considering them the II Party management Dismissed him from service on 07.09.2002 and then conciliation was initiated which ended in failure and later Government of India referred this reference for adjudication and as he is unemployed he be reinstated with continuity of service and all other consequential benefits with full back wages from the date of dismissal from service. INTER ALIA, the II Party in its counter statement without disputing the fact that I Party was appointed on 03.05.1979 states that though a lenient view was taken for his unauthorized absence from duty in the year 2001 by way of censure he again

remained absent from duty as mentioned by the I Party and was issued with charge sheet and enquiry was initiated against him and after affording fair and proper opportunity he was Dismissed from Service. Having regard to the certain allegations made by the I Party in his claim statement touching the Domestic Enquiry a Preliminary Issue was framed as to

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

4. On the above said Preliminary Issue while receiving the evidence of II Party and on a Memo being filed for the I Party conceding the fair of Domestic Enquiry, by order dated 05.07.2011 same being answered in the affirmative holding that the Domestic Enquiry was fair and proper the learned advocate appearing for the I Party on the points of victimization and being not gainfully employed while filing the affidavit of I Party examined him on oath as WW 1 (v) and in his cross-examination counsel for II Party by way of confrontation getting exhibited Show Cause Notice dated 14/15.12.2000 issued to the first party; Medical certificate dated 14.05.2001 given by the Bassappa memorial hospital certifying that the first party is fit to work; Memo dated 11.06.2001 issued by the second party bank calling upon the first party to give explanation for his unauthorised absence; the order dated 07.07.2001 of the second party bank regarding unauthorised absence of the first party; Article of charge dated 24/27.08.2001 issued to the first party and Order dated 29.10.2001 of the Disciplinary Authority as Ex M-20 to Ex M-25 respectively did not lead any rebuttal evidence and both sides learned advocates addressed their arguments.

5. It is borne out from the records that the Vice President who happens to be the Disciplinary Authority issued two charge sheets against the I Party one dated 18.12.2001 for unauthorised absence from 08.07.2001 to 07.09.2001 and another from 18.12.2001 to 01.02.2002 and as no explanation was offered except simply submitting leave applications stating that he could not attend due to some family problems initiating the Domestic Enquiry as he accepted the charges and requested to view leniently on the ground that he could not attend due to his wife's health condition and to accept the VRS application concluding the enquiry he held the charges being proved and after giving the opportunity of hearing imposed the punishment of Dismissal and on Appeal the Appellate Authority while giving cogent reasons upheld the order of the Disciplinary Authority and dismissed the Appeal, then the I Party since approached the ALC(C), Bangalore and as the conciliation failed the ministry made this reference for adjudication.

6. On appreciation of the pleadings and material available on record in the light of the arguments put forward by the learned advocate appearing for both sides, I have arrived at conclusion the management being justified in dismissing the I Party for the following

REASONS

7. There is no dispute the I Party having remained unauthorised absent for the period 08.07.2001 to 07.09.2001 and 18.12.2001 to 01.02.2002 covered under the two different charge sheets issued to him and it is borne out from the records that after service of the first charge sheet on 21.12.2001 he just gave an application to grant him privilege leave from 18.12.2001 to 10.01.2001 on the ground that due to some family problems he could not attend his duty and later on 15.01.2002 he sent another letter to extend leave upto 19.01.2002 without assigning any reasons. If at all he had any such family problems that reasonably prevented him to attend the duty he could have explained the same and if possible produce evidence to substantiate the same but both are absent in his application for leave and extension of leave dated 21.12.2001 and 15.01.2002. Even when he was summoned to face the Domestic Enquiry he did accept the charges and submitted that he regret for the unauthorised absence and to accept his VRS application on humanitarian grounds. During the course of arguments his learned advocate also submitted that after service of charge sheet the I Party having applied for VRS on 11.03.2002 instead of imposing such harsh punishment of Dismissal from Service his VRS ought to have been accepted and relieved him of the job. It is borne out from the admitted facts even earlier he had remained unauthorised absent and was 'censured', therefore, the contention/argument on behalf of the I Party that this time also taking lenient view he would have been permitted to go on voluntary retirement has no force. A person to seek Voluntary Retirement must have a clear record and when he had remained unauthorised absent of two spells spreading over 107 days who was even prior to this censured his claim that he would have been admonished of unauthorised absence and permitted to go out on voluntary retirement is unacceptable. Under the circumstances having found no reasonable excuse for the long unauthorised absence of the I Party the II Party did not commit any error in imposing the punishment of Dismissal. In the result, I pass the following

ORDER

The Reference is Rejected holding that the action of the management of ING Vysya Bank Limited is justified in dismissing Shri M A Suryanarayana Shastry from service is legal and justified and he is entitle for any other relief.

(Typed to my dictation by U D C, corrected and signed by me on 10th November 2014).

S N NAVALGUND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

का.आ. 3116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचाट (संदर्भ संख्या 04/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 प्राप्त हुआ था।

[सं. एल-12012/182/2002-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 28th November, 2014

S.O. 3116.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.: 04/2003) of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 27/11/2014.

[No. L-12012/182/2002 - IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 11th November, 2014

PRESENT : Shri S. N. NAVALGUND,
Presiding Officer

C. R. No. 04/2003

I Party

Sh. K. Pandian, Organiser,
State Bank of India
Ambedkar Union,
State Bank of India,
M. G. Road Branch,
Bangalore - 560 001.

II Party

The Assistant General
Manager,
State Bank of India,
Regional Zonal Office,
No. 48, Church Street,
Bangalore - 560 001.

Appearances :

I Party : Shri Muralidhara
Advocate

II Party : Shri J. Satish Kumar,
Advocate

AWARD

1. The Central Government vide order No. L-12012/182/2002-IR(B-I) dated 27.01.2003 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following:

SCHEDULE

"Whether the management of State Bank of India is justified by imposing the punishment of reduction

of two increments, on Shri V Sigamani, Armed Guard cum Messenger with effect from 10/01/2000 for the alleged misconduct? If not, what relief the workman is entitled?"

2. On receipt of the reference and registering it in C R 04/2003 when notices were issued to both the sides, they entered their appearance through their respective advocates and I Party filed his claim statement on 04.04.2003 and II Party filed its counter statement on 28.09.2004.

3. The brief facts leading to this reference and award may be stated as under :

4. While Sh. V Sigamani, Armed Guard cum Messenger (hereinafter referred as I Party workman) with the II Party while serving at its Dooravaninagar Branch on 05.03.1999 was served with Charge Sheet as under

"It is alleged that while you were on armed guard duty, with a loaded gun, at our Kumara Park Branch, on 7.1.99 at about 3.30 p.m. you approached Sri K. Rajaram, (Armed Guard), who was also on Armed Guard duty with a loaded gun, with "Watchman Duty Allotment Register" and picked up an argument with him and questioned him as to who asked him to come for duty and who asked him to write the Register. Sri. Rajaram replied that he has been writing the Register as per the instructions of Dy. Manager (Cash), Sri H M Ravindra. Then both of you started walking to the cabin of Dy. Manager (Cash). While walking through the Banking Hall outside the counters, in a fit of anger, you reportedly abused Sri. Rajaram in Tamil: "Ungamma thevidia pillai, unga pondati seria arivu kathkuduthu illai" which roughly translates into English as "Your mother child of a prostitute, your wife did not teach you well". When Sri. Rajaram protested, you strongly punched in the stomach of Sri. Rajaram with your right fist, Shouting at each other, both entered the cabin of Dy. Manager (Cash). Then, you, in a high pitched voice, questioned the Dy. Manager (Cash) that the allotment of duty was not proper and why Dy. Manager (Cash) was asking only Sri Rajaram to enter in the Register and why not yourself. After such argument, Dy. Manager (Cash) asked both of you to go to your respective positions. While going through the Banking Hall, near the Accountant's table, suddenly, you forcefully slapped Sri. Rajaram's left cheek with your right hand. That the above incidents occurred when both of you and Sri Rajaram were carrying loaded guns is all the more serious.

If proved, the above narrated incidents will be construed as gross misconduct vide para 521(4)(c) and (e) of Sastry Award, read in conjunction with para 18.28 of Desai Award and VI Bipartite Agreement.

You are called upon to submit your statement of defence within 7 days from the date of receipt of this chargesheet, failing which the Bank will take further action as it deems fit.

Please acknowledge receipt of this chargesheet on the duplicate hereof.

Yours faithfully,

Sd/-

Asst. General Manager, Region-I,
Disciplinary Authority"

5. Since the I Party workman gave his reply stating that he deny the charges without any explanation to the alleged incident Disciplinary Authority being not satisfied with the same the Disciplinary Authority appointing Sh. N R Karunakaran as Enquiry Officer and Sh. A N Vasudevan as Presenting Officer ordered him to face disciplinary enquiry. The Enquiry Officer while securing the presence of the I Party workman after observing the formalities of preliminary hearing on the first date of the enquiry receiving the evidence of Sh. H M Ravindra, Dy. Manager (Cash), Smt. Indira Babu, Computer Operator, Sh. Sampath Raj, Record Keeper, Sh. Chandran, Armed Guard and Sh. Rajaram, Armed Guard as PW 1 to 5 and exhibiting Duty Register for Guards; letter sent to controlling authority regarding Police Complaint against Sri V Sigamani; letter forwarding the complaint letter lodged by Shri K Rajaram against Sri V Sigamani; Enclosure to PEx-3 complaint letter of Shri K Rajaram; letter forwarding complaint by M Krishnan & others; Complaint letter of Shri Krishnan & others (enclosed to PEX-5) and Acknowledgement from police for a complaint lodged by Shri K Rajaram as P-1 to P-7 respectively on submission of the Defence Representative that CSE/I Party workman has no evidence to present, after receiving the written briefs of the Presenting Officer and the Defence Representative submitted his finding to the effect that charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. Then the Disciplinary Authority while affording him an opportunity of hearing imposed the punishment of Stoppage of two increments without cumulative effect and on appeal to the Deputy General Manager he too after affording opportunity of hearing confirmed the order of the Disciplinary Authority. Thereafter, ALC(C), Bangalore was moved for conciliation and on its failure this reference is made for adjudication.

6. The I Party in its claim statement attacked the action of the management contending that the Domestic Enquiry was not fair and proper, that the enquiry finding is perverse and the punishment imposed is also being disproportionate. INTERALIA, the II Party in its counter statement contended all fair and proper opportunities were provided to the CSE in the Domestic Enquiry and Enquiry Officer having regard to the entire evidence placed before him has rightly come to the conclusion the charge being proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman and as this misconduct on the part of the CSE/I Party workman who was on Armed Guard Duty was being highly of indiscipline who was to maintain peace and

discipline in the premises the punishment of reduction of two increments is just and proper.

7. Having regard to the assertion of the I Party touching the fairness of the Domestic Enquiry while framing a Preliminary Issue as to.

"Whether the Domestic Enquiry held against the I Party by the II Party is fair and proper?"

After receiving the evidence adduced by both sides and hearing arguments of both sides since answered in the affirmative i.e., the Domestic Enquiry held against the I party by the II Party is fair and proper by order dated 11.08.2011 and then counsel for I Party while filing the affidavit of I Party on the point of victimization examined him on oath as WW 1 (V) and II Party counsel rest contended by his cross-examination and did not lead any rebuttal evidence the arguments on merits were heard.

8. The learned advocate appearing for the I Party while taking me through the charge, evidence adduced before the Enquiry Officer and his finding that charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman since suggest that the witnesses examined did not support the charge of shouting by the I Party workman in abusive language the other part of the charge also could not have been accepted and even otherwise the punishment imposed being excessive it has to be set aside with all consequential benefits. INTERALIA, the learned advocate appearing for the II Party vehemently urged that since the abusive shoutings by the I Party workman was in Tamil Language the witnesses who witnessed the incident and examined before the Enquiry Officer were since not acquainted with that language they could not reproduce the abusive shoutings made by him and having supported the other alleged actions of the I Party workman after shouting certain words in Tamil Language punching PW 5 Raja Ram on his stomach in the office premises creating an ugly scene the finding of the Enquiry Officer the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman cannot be termed as perverse and having regard to such unhappy incident created by the I party workman the punishment imposed by the Disciplinary Authority and affirmed by the Appellate Authority is just and reasonable as such there is no need to interfere either in the finding of the Enquiry Officer or the punishment imposed by the Disciplinary Authority affirmed by the Appellate Authority.

9. On appreciation of the pleadings, defence of the bare denial by the CSE in his reply to Charge sheet and the evidence of the witnesses given before the Enquiry Officer, I find no reason to interfere either in the finding of the Enquiry Officer or the punishment imposed by the Disciplinary Authority upheld by the Appellate Authority for the following.

REASONS

10. Though in the charge sheet the details of the occurrence alleged to have created by the I party was narrated in detail in his reply he just stated that he deny the charges levelled against him without explaining the circumstances under which the alleged incident occurred, whereas, during the cross-examination of the witnesses he tried to make out a case that there was some grievance by the I Party workman with regard to allotment of duty to him. On carefully going through the evidence given by PW 1 to PW 5 all of them except PW 2 have categorically stated as to the alleged high ended action of the I Party workman except the abusive words uttered by him in Tamil Language. Since the abusive shoutings alleged to have uttered by the I Party workman were in Tamil Language as rightly put it by the counsel for the II Party they were not able to reproduce the same while giving evidence before the Enquiry Officer as such I find no fault with the finding of the Enquiry Officer holding that the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. Only because a part of the charge regarding verbal utterances of the I Party workman could not be reproduced by the witnesses their entire veracity cannot be rejected. If at all the I Party workman has some grievance with allotment of duty to him he could have resolved it by giving representation to the concerned but the way he adopted creating scene in the office premises and punching an official on the stomach is highly unbecoming of a Guard on Duty. Under the circumstances absolutely I find no reason to term the finding of the Enquiry Officer the charge is proved excepting for the abusive words alleged to have been uttered by the CSE/I Party workman. As far as the punishment imposed having regard to the proved misconduct on the part of the Guard on Duty the management is just and reasonable in imposing him the punishment of reduction of two increments, with effect from 10/01/2000. Since the finding of the Enquiry Officer is based on the evidence placed before him and the punishment imposed is found just and reasonable, absolutely I find no victimization being played against the I party by the management. In the result, I arrived at conclusion of holding that the action of the management is justified. Accordingly, I pass the following.

ORDER

The Reference is Rejected holding that the action of management of State Bank of India in imposing the punishment of reduction of two increments, on Shri V Sigamani, Armed Guard cum Messenger with effect from 10/01/2000 is legal and justified and he is not entitle for any relief.

(Typed by U D C to my dictation, corrected and signed by me on 11th November 2014)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2014

AWARD

का.आ. 3117.—औद्योगिक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत हेवी इलेक्ट्रिकल्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 62/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-42012/31/2013-आईआर (जीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 28th November, 2014

S.O. 3117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 62/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Heavy Electricals Limited and their workman, which was received by the Central Government on 27/11/2014.

[No. L-42012/31/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 12th November, 2014

PRESENT : K.P. PRASANNA KUMARI,
Presiding Officer

Industrial Dispute No. 62/2013

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Bharat Heavy Electricals Ltd. and their workman)

BETWEEN

Sri K. Balu : 1st Party/Petitioner

AND

The Executive Director : 2nd Party/Respondent
Bharat Heavy Electricals Ltd.
Trichirappalli-620014

Appearance:

For the 1st Party/Petitioner : M/s. Balan Haridas,
Advocates

For the 2nd Party/Respondent : M/s. T.S. Gopalan &
Co., Advocates

The Central Government, Ministry of Labour & Employment vide its Order No. L-42012/31/2013-IR(DU) dated 27.05.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the Management of BHEL, Trichy in removing Sri K. Balu from service w.e.f. 22.05.2012 is legal and justified? To what relief the workman is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 62/2013 and issued notices to both sides. Both sides have entered appearance through their counsel and filed their Claim and Counter Statement respectively.

3. The petitioner has raised the dispute claiming reinstatement in the service of BHEL at its Ranipet unit with all consequential benefits.

4. The petitioner had been removed from service by BHEL, Trichy unit after initiating action against him under Conduct, Discipline and Appeal Rules of BHEL. The petitioner has contended that action taken against him under the above enactment is illegal and without jurisdiction. The petitioner has raised it as a preliminary point and I have entered a preliminary finding on this date to the effect upholding the contention of the petitioner.

5. Once it is found that the very proceedings initiated against the petitioner has no backing of law, that the same is illegal and without jurisdiction, the petitioner is entitled to be reinstated in service. Accordingly, BHEL is directed to reinstate the petitioner in service at Ranipet unit with all consequential benefits. Back wages payable to the petitioner is restricted to 50% and the same is payable within a month. In default of payment within the time, he is entitled to interest @ 9% per annum.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th November, 2014).

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex. No.	Date	Description
	Nil	

On the Management's side

Ex. No.	Date	Description
	Nil	

शुद्धि-पत्र

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3118.—केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल (प. बंगाल) द्वारा पारित संदर्भ संख्या 88/2000, दिनांक 05.08.2014 का भारत सरकार द्वारा 12.09.2014 को अधिसूचित किए गए पंचाट को उक्त अधिकरण से प्राप्त संदर्भ संख्या 88/आई. टी. सी. (2000), दिनांक 29.10.2014 के शुद्धिपत्र के साथ संलग्न किया जाता है।

[सं. एल-22012/88/2000-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 1st December, 2014

S.O. 3118.—A reference No.88/ITC(2000) dated 29th October, 2014 received from CGIT, Asansol(WB) correcting the Award passed by the Tribunal on 05-08-2014 in Ref. No. 88/2000 which was notified by the Government of India on 12-09-2014, is annexed herewith.

[No. L-22012/88/2000-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**OFFICE OF THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANYAPUR, ASANSOL**

Ref. No. 88/ITC(2000)

Date : the 29th October, 2014

Ref: Ministry's order No. L-22012/88/2000-IR(CM-II)
This office Ref. No. 88/2000 (a copy of award enclosed)

SCHEDULE

"Whether the action of the management of Khas Kajora Colliery of M/s. ECL in dismissing Sh. Ramchandra Mallah, U.G.L. from service is legal and justified? If not, to what relief the workman is entitled?"

CORRIGENDUM

2nd para of Page No. 4 contain some typographical errors, just and proper typed as just improper, concerned becomes concern and set-a-side becomes sat aside which is now rectified.

Now the 2nd para of last page of the award will be read as :—

However I am of the considered view, that the punishment of dismissal of an unauthorized absence is harsh punishment, which is disproportionate to the alleged misconduct. In this view of matter I think it just and proper to modify and substitute the punishment exercising the law u/s. 11(a) of the Industrial Dispute Act, 1947 and

according the impugned order dismissal of the concerned workman is hereby set-a-side and he is directed to be re-instated with continuity of the service without back wages. I think it appropriate that delinquent workman be punished with stoppage of one increment without cumulative effect.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

शुद्धि-पत्र

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3119.—केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल (प. बंगाल) द्वारा पारित संदर्भ संख्या 129/2005, दिनांक 02.07.2013 का भारत सरकार द्वारा 13.08.2013 को अधिसूचित किए गए पंचाट को उक्त अधिकरण से प्राप्त संदर्भ संख्या 129/आई. टी. सी. (2005), दिनांक 02.09.2014 के शुद्धिपत्र के साथ संलग्न किया जाता है।

[सं. एल-22012/40/2005-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 1st December, 2014

S.O. 3119.—A reference No.129/ITC(2005) dated 2nd September, 2014 received from CGIT, Asansol(WB) correcting the Award passed by the Tribunal on 02-07-2013 in Ref. No. 129/2005 which was notified by the Government of India on 13-08-2013, is annexed herewith.

[No. L-22012/40/2005-IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

**OFFICE OF THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, ASANSOL**

Ref. No. 129/ITC(2005)

Date : the 2nd September, 2014

Ref: Ministry's order No. L-22012/40/2005-IR(CM-II)
This office Ref. No. 129/2005 (a copy of award enclosed)

SCHEDULE

"Whether the action of the management of B.M.P. Group of Mines of M/s. ECL in dismissing Sh. Dilip Bouri, Rail Mazdoor from services w.e.f. 27-12-97 is legal and justified? If not, to what relief the workman is entitled?"

CORRIGENDUM

In Line No. 2 of Page No. 3 the name of the workman may be read as "Dilip Bouri" instead of "Lala Bouri"

Now the last page of the award will be read as :—

Accordingly the Order of dismissal is hereby set aside. The management is directed to allow the workman Dilip Bouri to join in the service with 75 percentage of back wages within three months from the date of Notification.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कपास प्रौद्योगिकी पर अनुसंधान के लिए सेंट्रल इंस्टीट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/25 ऑफ 2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 01-12-2014 को प्राप्त हुआ था।

[सं. एल-42012/302/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. CGIT-2/25 of 2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Institute for Research on Cotton Technology and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/302/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI**

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/25 of 2011

Employers in relation to the Management of
Central Institute For Research on
Cotton Technology

(Indian Council of Agricultural Research)

The Director
Central Institute for Research on Cotton
Technology
(Indian Council of Agricultural Research)
Adenwala Road, Matunga
Mumbai-400 019.

AND

THEIR WORKMAN

Shri Girish M. Shinde
107, SL-4, Kalpatary Co-op. Housing
Society Ltd.
Gawan Pada
V.B. Phadeke Road,
Mulund (E),
Mumbai 400 081.

APPEARANCES:

FOR THE EMPLOYER : Mr. Suresh Kumar,
Advocate.

FOR THE WORKMAN : Mr. M. B. Anchan,
Advocate.

Mumbai, dated the 7th October, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-42012 / 302 /2010-IR (DU), dated 11.05.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Director-in-charge, Central Institute for Research on Cotton Technology, Mumbai in terminating the service of Shri Girish M. Shinde, Office Assistant w.e.f. 6/8/2010 is legal and justified? What relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both parties. In response to the notice, second party workman appeared before this Tribunal and filed his statement of claim at Ex-6. According to the workman as per the advertisement of the first party in Times of India and daily Lokmat, dated 5/1/2009 he applied for the post of Office Assistant. After the interview he was selected and appointed by the management of first party w.e.f. 27/01/2009 only monthly pay of Rs.8000/- p.m. for the project called Zonal Technology Manager and BPD Unit under NAIP functioning at CIRCOT Matunga, Mumbai. Since then the workman was working honestly and sincerely. The project was to continue till 30/6/2012 and

subsequently it was extended till 2014. The workman had worked continuously for more than 240 days. His work was satisfactory. All of a sudden the management terminated his services w.e.f. 6/8/2010. Neither he was served with show cause notice nor with any charge sheet. The management terminated his services illegally and without assigning any reason. Since then the workman is unemployed and suffered great hardship. Therefore workman has raised the dispute before ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The workman prays that the action of management terminating his service be declared illegal and not justified and he be reinstated in the service with full back wages and continuity of service.

3. The first party management resisted the statement of claim vide their written statement Ex-8. According to them the reference is not maintainable. The second party workman was engaged only for the project purpose and his engagement was purely contractual. Therefore termination of his service was as per the terms of the engagement. He was engaged for the period 24/01/2009 to 31/07/2009. His discontinuation was in accordance with the letter of appointment. They denied that the project was extended upto 30/6/2014. They denied all the contents in the statement of claim. According to them after discontinuation of service, one Mrs. Pradhnya Sawant was engaged therein the only vacancy. She is working in place of the workman. Therefore she is necessary party to this reference. According to them the provisions of Section 25 F of I.D. Act of 1947 is not applicable to the persons engaged in the project as it is for a specific period. There is also no concept of deemed continuation in such service. The allegations made in the statement of claim are false. The workman could have applied again for the said post. However he did not apply. The claim of the workman is devoid of merit. Therefore they pray that the reference be rejected.

4. Workman filed his rejoinder at Ex-9. He denied the contents in the written statement and reiterated the points in his statement of claim.

5. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the action of first party in terminating the services of the second party is legal and proper?	No
2.	If not, whether the second party is entitled to be reinstated in service with full back wages?	No
3.	What relief the workman is entitled to?	Compensation of Rs. 96,000

REASONS

Issue No. 1 :

6. In this respect the fact is not disputed that workman was appointed by first party on their project as Office Assistant w.e.f. 27/01/2009 on monthly salary of Rs.8000/-. The fact is also not disputed that the services of the workman were terminated on 6/8/2010. The letter of appointment is at Ex-13 and office order terminating the services of workman is at Ex-14. In this case fact is also not disputed that the termination of services is not for any misconduct of misbehavior or wrong on the part of the workman. Therefore question of issuing any show-cause notice or serving any charge-sheet does not arise. According to the first party his appointment was for a specific period upto 31/7/2009. Therefore they discontinued his service since 6/8/2010. In this respect I would like to point out that the workman has worked continuously for 240 days. His services were not discontinued on 31/7/2009. On the other hand he worked for more than a year thereafter. In this back drop it cannot be said that his service was for a fixed period till 31/7/2009. He was allowed to continue till 6/8/2010. As he has worked for more than 240 days he was well entitled to the protection under Section 25-F of the I.D. Act. The fact is also not disputed that the first party has not followed the procedure prescribed under Section 25-F. Neither workman was served with notice nor notice pay and one month's wages and retrenchment compensation was paid to him.

7. In this respect M.P. High Court ruling can be resorted to in M.P. Road Transport Corporation Indore V/s. Anil 2009 (122) FLR 369 MP Indore Bench wherein a badli employee who has rendered continuous service of more than 240 days during a calendar year before termination, the Hon'ble Court held that, even such employee is entitled to the protection under Section 25-F of the I.D. Act and termination of his service without following the procedure prescribed under Section 25-F is illegal.

8. On the point Apex Court ruling also can be resorted to in Divisional Manager, New India Assurance Company Limited V/s. A.Sankaralingam, (2008) 10 SCC 698, the Apex Court has considered the question of part-time employment and held that the person employed on part-time basis under the control and supervision of an employer is a workman in terms of Section 2(s) of the Act of 1947 and is entitled to claim the protection of Section 25-F thereof. The preponderance of judicial opinion is that a workman working even on part-time basis would be entitled to the benefit of Section 25-F of the Act. In the circumstances, I hold that termination or discontinuation of services of the workman is not legal. Accordingly I decide this issue No.1 in the negative.

Issue Nos. 2 & 3 :

9. The termination of services of the second party was found illegal. In this respect it was pointed out by

the Id. Adv. for the first party that after discontinuation of services of the second party, the said post was filled up by appointing Smt. Pradhnya Sawant. It was also pleaded in the written statement that the said workman Smt. Sawant is necessary party to this reference. According to the first party now there is no vacancy for reinstatement. Furthermore it was also pointed out that the second party workman was appointed for a fixed period and thereafter another fixed term workman was appointed. In this respect I would like to point out that if termination is illegal due to violation of provisions of Section 25-F of the I.D. Act, and when there is no vacancy in the circumstances instead of reinstatement compensation can be awarded to the workman. On the point Apex Court ruling can be resorted to in U.P. State Electricity Board V/s. Laxmikant Gupta 2009 I LLJ 593 wherein Hon'ble Apex Court on the point observed that;

"There is no such principle that for an illegal termination of service, the normal rule is reinstatement with back wages, instead the Labour Court can award compensation."

10. In this backdrop I think it proper, instead of reinstatement, compensation can be awarded to the workman. While determining the compensation I would like to take into consideration the following facts; (1) workman was not paid notice pay. (2) He was also not paid wages of one month and (3) They have also not paid retrenchment compensation to the workman. The workman till this date is unemployed and was required to fight this legal battle since last 3 - 4 years. The pay of the workman was Rs. 8000/- p.m. In the circumstances looking into the rate of inflation I think it proper to award pay of one year as compensation. It comes to Rs.96,000/-. Accordingly I decide this issue no.2 in the negative and issue no.3 in the affirmative that workman is entitled to the adequate compensation for his illegal termination. Thus I proceed to pass the following order:

ORDER

- (1) The reference is partly allowed with no order as to cost.
- (2) The termination of services of workman is hereby declared illegal.
- (3) Instead of reinstatement and back-wages, the first party is directed to pay one years' pay (i.e. Rs.96,000/-) to the workman as compensation within two months from the date of communication of this award.

Date : 07/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3121.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राष्ट्रीय

सुरक्षा परिषद् के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/55 ऑफ 2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/54/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/55 of 2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the National Safety Council and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/54/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/55 of 2010

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF NATIONAL SAFETY COUNCIL**

The Director
National Safety Council
Plot No.98-A, Institution Area
Sector-15, CBD Belapur
PO Konkan Bhavan
Navi Mumbai 400 614.

AND

THEIR WORKMEN.

Shri Darshan Pandurang Sakpal
At Post Pangari
Taluka Dapoli
Ratnagiri-415 711

APPEARANCES:

FOR THE EMPLOYER : Mr. Umesh Nabar, Advocate.

FOR THE WORKMEN : Mr. M. I. Ali, Advocate

Mumbai, dated the 20th October, 2014

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No. L-42012/54/2010-IR (DU),

dated 31.05.2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. National Safety Council in terminating the services of Shri Darshan Pandurang Sakpal w.e.f. 22/08/2005 is legal and justified? If not, what relief the workman is entitled to?"

2. The workman herein was charge-sheeted for abusing his senior official under influence of liquor. The Inquiry officer conducted the inquiry and found the charge-sheeted employee guilty of misconduct. On his report the disciplinary authority has terminated the services of the workman. His appeal was also dismissed. The workman raised industrial dispute. As conciliation failed, on report of ALC (C) the Central Labour Ministry sent the reference to this Tribunal.

3. In Award Part-I the inquiry was found fair and proper and the findings of the Inquiry Officer were also declared as not perverse. Notices were issued to both the parties to lead their evidence or submit their arguments on the point, as to whether the punishment is shockingly disproportionate to the proved misconduct? Both the parties have filed their respective arguments at Ex-39 & Ex-41.

4. In this Part-II award following are the issues for my determination. I record my findings thereon for the reasons to follow:-

Sl. Issues No.	Findings
3. Whether the punishment of termination of services of the workman is shockingly disproportionate to the proved misconduct?	Yes.
4. What order?	As per order below.

REASONS

Issue No. 3

5. In the case at hand the workman was charge-sheeted for abusing his coworkers in drunken condition. In Part-I award the inquiry was fair and proper and findings of the Inquiry Officer are held not perverse. On the point of punishment, the Id. adv. for the first party has submitted that the discipline in the organization is an important factor and as the workman has abused his senior colleagues including the Administrative Officer the said misconduct deserves major punishment like termination. In support of his argument the Id. Adv. resorted to Apex Court ruling in *Madhya Pradesh Electricity Board V/s. Jagdish Chandra Sharma* 2005 I

CLR 1074 wherein the Hon'ble Apex Court on the point of discipline at work place observed that;

"Discipline at the work place in an organization like the employer herein is the sine qua non for the efficient working of the organization. When an employee breaches such a discipline and the employer terminates his services, it is not open to a Labour Court or Industrial Tribunal to take the view that punishment awarded is shockingly disproportionate to the charges proved. Obedience to the authority in the work place is not slavery."

6. In this respect the Id. Adv. for the second party has pointed out that, in the above cited case incident had taken place when the workman therein was on duty in drunken condition and had not only abused but also assaulted his superior and inflicted injury with screw driver. Whereas in the case at hand incident had taken place on holiday and workman was not given overtime. On the other he was called from his home for cutting some trees. Neither he was on duty when found under the influence of liquor nor had assaulted anybody or his superior as in the case cited herein above. Therefore the ratio laid down therein is not applicable to the case at hand.

7. The Id. Adv. for the first party further submitted that Section 11 of the Act does not confer any arbitrary power on the Industrial Tribunal to interfere in the punishment. He further submitted that the Industrial Tribunal can interfere therein under Section 11 only when it is satisfied that the punishment imposed by the management is highly disproportionate to the decree of guilt of the workman. The ratio to that effect is laid down by Apex Court in *Bharat Heavy Electricals V/s. M. Chandrashekhar Reddy & Ors.* 2005 I CLR 959(SC) wherein Labour Court has reduced the punishment without giving findings that there was no loss of confidence or the quantum of punishment is shockingly disproportionate. In the circumstances the Hon'ble Court in that case observed that;

"Labour Court wrongly exercised its jurisdiction under Section 11-A to alter or reduce the punishment in view of the findings recorded by it that the domestic inquiry was fair and good, that misconduct was held proved and that management has lost confidence in the respondent."

8. In this respect the Id. Adv. for the first party further submitted that punishment of dismissal for using abusive language cannot be held to be disproportionate. Ratio to that effect is laid down by Hon'ble Apex Court in *Mahindra & Mahindra Ltd. V/s N.B. Nalawade* 2005 I CLR 803. In that case workman therein was dismissed from service as he was held guilty for misconduct for using abusive and filthy language against his superior in presence of sub-ordinates not only once but twice. Labour Court held that punishment was harsh and directed

reinstatement with 2/3rd back-wages. Writ Petition of employer was dismissed by High Court. The matter was taken before Hon'ble Apex Court. While allowing the appeal and restoring the order of dismissal Hon'ble Apex Court observed that :

"It is held that language used by respondent workman is such that it cannot be tolerated by any civilized society and the use of such abusive language against a superior officer in the presence of sub-ordinate cannot be termed to be an indiscipline calling for lesser punishment in the absence of extenuating factors."

9. In this respect the Ld. Adv. for the first party submitted that disorderly behavior under the influence of liquor at the workplace is treated to be a major misconduct for which punishment of termination of services can be imposed and no leniency can be shown to such employee. In support of his argument the Id. adv. resorted to Bombay High Court ruling in Bai Jerbai Wadia Hospital V/s. Shankar Ramchandra Mali 1003 I LLJ 785. The workman therein was found drunk while on duty. The Labour Court has shown leniency. On the point in para 6 of the judgement Hon'ble High Court observed that :

"Past record of the workman as disclosed is too bad to deal with him leniently. He was repeatedly warned for disorderly behavior under the influence of liquor. On one occasion he was suspended for two days."

10. The Ld. Adv. for the first party submitted that the workman herein was also found under influence of liquor earlier and was given oral warning. In spite of that there was no improvement in the behavior of the workman. Therefore the punishment of dismissal cannot be said shockingly disproportionate.

11. In this respect Ld. Adv. for the second party submitted that there is no evidence about any such past incidence. He further pointed out that, in the cases cited herein above the workmen therein had abused their superior officers under influence of liquor at the work place while on duty. However the facts in the case at hand are different. Workman herein was not on duty when the alleged incident had taken place. Admittedly it was holiday and workman was not on duty. Furthermore the abuses or filthy word are also not on record as it was pointed out in one of the above cited cases. Therefore ratio in the above referred cases not applicable to the case at hand.

12. On the point Ld. Adv. for the first party also resorted to another Apex Court ruling in B.C. Chaturvedi V/s. Union of India 1996 I CLR 389 wherein the Hon'ble Court observed that :

"The High Court/Tribunal while exercising power of judicial review cannot normally substitute its own conclusion on penalty and impose some other

penalty unless the punishment imposed by the disciplinary authority shocks the consciousness of the High Court/Tribunal."

13. In this respect I would like to point out that, the incident in the case at hand had taken place on holiday when the workman was called for some work. He was also not called for any overtime work. The workman was not on duty when the alleged incident had taken place. It was also not in presence of number of other employees. The fact is not disputed that, on holiday, the workman was called from his residence for some work. Neither he had gone there at his own nor was on duty. From the evidence on record it is clear that the workman who had drunk at his residence seems to have been called by the co-workers and it seems that, in the state of drunken condition the workman seems to have abused the co-worker when they were not on duty.

14. In the circumstances in the case at hand, the question of discipline at work place or mischief while on duty does not arise, as it was in the cases referred herein above. Therefore I come to the conclusion that the punishment of termination of services of the workman which is the source of livelihood of the workman and his family is found to be shockingly disproportionate to the proved mischief. He was not found drunk during working hours or when he was on duty. It is an important factor required to be taken in to account while awarding the punishment. In this respect, submission of the Ld. Adv. of the first party is also required to be given due consideration that, the management has lost confidence in the workman. In this backdrop to meet the end of justice, I think it proper to replace the punishment of termination of services by compulsory retirement so that workman will be no more in the service of the management and would also get the pension and other retirement benefits as per the rules. Accordingly I decide this issue no.3 in the affirmative and think it proper to modify the punishment of termination of services of the workman by compulsory retirement with all retirement benefits as per the rules. Thus the order:

ORDER

- (i) The reference is partly allowed with no order as to cost.
- (ii) The punishment of termination of services of the workman is replaced by Compulsory retirement with all pensionary and retirement benefits as per the rules.

Date: 20/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3122.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कपास प्रौद्योगिकी पर अनुसंधान के लिए सेंट्रल इंस्टीट्यूट के प्रबंधन

के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/29 ऑफ 2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/301/2010-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D No. Ref No. CGIT-2/29 of 2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Institute for Research on Cotton Technology and their workman, which was received by the Central Government on 01/12/2014.

[No. L-42012/301/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K. B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/29 of 2011

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF CENTRAL INSTITUTE FOR RESEARCH ON
COTTON TECHNOLOGY

(Indian Council of Agricultural Research)

The Director
Central Institute for Research on Cotton
Technology
(Indian Council of Agricultural Research)
Adenwala Road, Matunga
Mumbai-400 019.

AND

Their Workman

Smt. Madhuri Girish Shinde
107, SL-4, Kalpatary Co-op. Housing
Society Ltd.
Gawan Pada
V.B. Phadeke Road,
Mulund (E),
Mumbai-400 081

APPEARANCES:

FOR THE EMPLOYER : Mr. Suresh Kumar,
Advocate

FOR THE WORKMAN : Mr. M. B. Anchan,
Advocate.

Mumbai, dated the 7th October, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-42012 / 301 /2010-IR (DU), dated 23.05.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Director-in-charge, Central Institute for Research on Cotton Technology, Mumbai in terminating the service of Smt. Madhuri G. Shinde, Office Assistant w.e.f. 6/8/2010 is legal and justified? What relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both parties. In response to the notice, second party workman appeared before this Tribunal and filed his statement of claim at Ex-6. According to the workman as per the advertisement of the first party in Times of India and daily Lokmat, dated 20/4/2009 she applied for the post of Office Assistant. After the interview she was selected and appointed by the management of first party w.e.f. 20/04/2009 only monthly pay of Rs. 8000/- p.m. for the project called Value Chain for Cotton Fibre under NAIP functioning at CIRCOT Matunga, Mumbai. Since then the workman was working honestly and sincerely. The project was to continue till 30/6/2012 and subsequently it was extended till 2014. The workman had worked continuously for more than 240 days. Her work was satisfactory. All of a sudden the management terminated his services w.e.f. 6/8/2010. Neither she was served with show cause notice nor with any charge sheet. The management terminated his services illegally and without assigning any reason. Since then the workman is unemployed and suffered great hardship. Therefore workman has raised the dispute before ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The workman prays that the action of management terminating his service be declared illegal and not justified and she be reinstated in the service with full backwages and continuity of service.

3. The first party management resisted the statement of claim vide their written statement Ex-8. According to them the reference is not maintainable. The second party workman was engaged only for the project purpose and her engagement was purely contractual. Therefore termination of her service was as per the terms of the engagement. She was engaged for the period 30/10/2009. Her discontinuation was in accordance with the letter of appointment. They denied that the project was extended upto 30/6/2014. They denied all the contents in the

statement of claim. According to them after discontinuation of service, another workman was engaged and there is only one vacancy. Therefore the said workman is necessary party to this reference. According to them the provisions of Section 25 F of I.D. Act of 1947 is not applicable to the persons engaged in the project as it is for a specific period. There is also no concept of deemed continuation in such service. The allegations made in the statement of claim are false. The workman could have applied again for the said post. However she did not apply. The claim of the workman is devoid of merit. Therefore they pray that the reference be rejected.

4. Workman filed his rejoinder at Ex-9. She denied the contents in the written statement and reiterated the points in his statement of claim.

5. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the action of first party in terminating the services of the second party is legal and proper?	No
2.	If not, whether the second party is entitled to be reinstated in service with full back wages?	No
3.	What relief the workman is entitled to?	Compensation of Rs. 96,000

REASONS

Issue No.1 :-

6. In this respect the fact is not disputed that workman was appointed by first party on their project as Office Assistant w.e.f. 20/04/2009 on monthly salary of Rs. 8000/-. The fact is also not disputed that the services of the workman were terminated on 6/8/2010. The letter of appointment is at Ex-13 and office order terminating the services of workman is at Ex-14. In this case fact is also not disputed that the termination of services is not for any misconduct of misbehavior or wrong on the part of the workman. Therefore question of issuing any show-cause notice or serving any charge-sheet does not arise. According to the first party her appointment was for a specific period upto 30/09/2009. Therefore they discontinued her service since 6/8/2010. In this respect I would like to point out that the workman has worked continuously for 240 days. Her services were not discontinued on 30/9/2009. On the other hand she worked for more than a year thereafter. In this backdrop it cannot be said that her service was for a fixed period till 31/7/2009. She was allowed to continue till 6/8/2010. As she has worked for more than 240 days she was well entitled to the protection under Section 25-F of the I.D. Act. The fact is also not disputed that the first party has not followed the procedure prescribed under Section 25 F.

Neither workman was served with notice nor notice pay and one month's wages and retrenchment compensation was paid to her.

7. In this respect M.P. High Court ruling can be resorted to in M.P. Road Transport Corporation Indore V/s. Anil 2009 (122) FLR 369 MP Indore Bench wherein a badli employee who has rendered continuous service of more than 240 days during a calendar year before termination, the Hon'ble Court held that, even such employee is entitled to the protection under Section 25-F of the I.D. Act and termination of his service without following the procedure prescribed under Section 25-F is illegal.

8. On the point Apex Court ruling also can be resorted to in Divisional Manager, New India Assurance Company Limited V/s. A.Sankaralingam, (2008) 10 SCC 698, the Apex Court has considered the question of part-time employment and held that the person employed on part-time basis under the control and supervision of an employer is a workman in terms of Section 2(s) of the Act of 1947 and is entitled to claim the protection of Section 25-F thereof. The preponderance of judicial opinion is that a workman working even on part-time basis would be entitled to the benefit of Section 25-F of the Act. In the circumstances, I hold that termination or discontinuation of services of the workman is not legal. Accordingly I decide this Issue No.1 in the negative.

Issue Nos. 2 & 3 :

9. The termination of services of the second party was found illegal. In this respect it was pointed out by the Ld. Adv. for the first party that after discontinuation of services of the second party, the said post was filled up by appointing Smt. Pradhnya Sawant. It was also pleaded in the written statement that the said workman Smt. Sawant is necessary party to this reference. According to the first party now there is no vacancy for reinstatement. Furthermore it was also pointed out that the second party workman was appointed for a fixed period and thereafter another fixed term workman was appointed. In this respect I would like to point out that if termination is illegal due to violation of provisions of Section 25-F of the I.D. Act, and when there is no vacancy in the circumstances instead of reinstatement compensation can be awarded to the workman. On the point Apex Court ruling can be resorted to in U.P. State Electricity Board V/s. Laxmikant Gupta 2009 1 LLJ 593 wherein Hon'ble Apex Court on the point observed that:

"There is no such principle that for an illegal termination of service, the normal rule is reinstatement with back wages, instead the Labour Court can award compensation."

10. In this backdrop I think it proper, instead of reinstatement, compensation can be awarded to the workman. While determining the compensation I would like to take into consideration the following facts:

(1) workman was not paid notice pay; (2) She was also not paid wages of one month; and (3) They have also not paid retrenchment compensation to the workman. The workman till this date is unemployed and was required to fight this legal battle since last 3-4 years. The pay of the workman was Rs. 8000/- p.m. In the circumstances looking into the rate of inflation I think it proper to award pay of one year as compensation. It comes to Rs. 96,000/-. Accordingly I decide this Issue No. 2 in the negative and Issue No.3 in the affirmative that workman is entitled to the adequate compensation for her illegal termination. Thus I proceed to pass the following order:

ORDER

- (1) The reference is partly allowed with no order as to cost.
- (2) The termination of services of workman is hereby declared illegal.
- (3) Instead of reinstatement and back-wages, the first party is directed to pay one years' pay (i.e. Rs. 96,000/-) to the workman as compensation within two months from the date of communication of this award.

Date : 07/10/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3123.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय विद्यालय संगठन और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 26/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 27/11/2014 को प्राप्त हुआ था।

[सं. एल-42012/37/2007-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 1st December, 2014

S.O. 3123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 26/2007) of the Central Government Industrial Tribunal-cum-Labour Court Bhubaneswar now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of the Kendriya Vidyalaya Sangathan & Others and their workman, which was received by the Central Government on 27/11/2014.

[No. L-42012/37/2007-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT : Shri Pradeep Kumar, Presiding Officer
C.G.I.T.-cum-Labour Court,
Bhubaneswar

INDUSTRIAL DISPUTE CASE No. 26/2007

Date of Passing Award - 7th day of November, 2014

Between:

1. The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Pragati Vihar Colony,
PO-Mancheswar,
Bhubaneswar-751 017,
Odisha
2. The Principal,
Kendriya Vidyalaya No. 3,
PO-Mancheswar,
Bhubaneswar-751 017,
Odisha ...1st Party-Management
3. The Managing Director,
M/s. Industrial Security Agency,
Prachi Vihar, Palasuni, Rasulgarh,
Bhubaneswar-751010, Odisha
(And)
Shri Khageswar Singh,
C/o-Shri Balaram Singh,
At-Sialimala, PO-Sunger,
Rayagada, Odisha ...2nd Party-Workman

Appearances:

1. Shri D. Purohit : For the 1st Party-Principal (Kendriya Vidyalaya No. 3)
2. For the 1st Party- : None
Management No. 3
3. For the 2nd Party- : Shri Khageswar Singh
Workman (self)

AWARD

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employers in relation to the Management of the Principal, Kendriya Vidyalaya No.3, Bhubaneswar, Odisha, the Managing Director, M/s. Industrial Security Agency, Bhubaneswar and their workman Shri Khageswar Singh in exercise of the powers conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act vide their Letter

No. L-42012/37/2007-IR (DU), dated 21.08.2007 to this Tribunal for adjudication. The dispute as referred to has been mentioned under the schedule of the letter of reference which is quoted below.

"Whether the action of the Management of Kendriya Vidyalaya No. 3, Bhubaneswar in terminating the services of their workman Shri Khageswar Singh w.e.f. 28.04.2006 is legal and justified? If not, to what relief the workman is entitled to?"

The disputant workman has filed his Statement of Claim in which he has stated that he was engaged by the Principal, Kendriya Vidyalaya No. 3, Mancheswar, Bhubaneswar with effect from 16.05.2002 and performing his duties as a Casual Worker for various posts meant for the Group 'D' employees since then. He was being paid an amount of Rs. 700/- per month for the duties performed by him and the remuneration was increased to Rs. 1350/- per month owing to his good performance. The monthly remuneration was being paid to him by the Principal of Kendriya Vidyalaya No. 3, Bhubaneswar in the shape of cheque drawn from the account of Vidyalaya Vikash Nidhi maintained in the Indian Overseas Bank, Chandrasekharpur Branch, Bhubaneswar which is credited to his Savings Bank Account bearing Account No. 14110 of the same bank. He was provided with a Government Accommodation in the vidyalaya campus as he was working under the direct control of the vidyalaya management. The monthly remuneration of the workman was suddenly stopped with effect from 22.09.2004 and he was advised by Management No. 2 to draw his salary from a contractor. Upon aggrieved with this he approached the Principal as well as the Asstt. Commissioner of Kendriya Vidyalaya Sangathan. On failure to get any relief he raised the matter before the Assistant Labour Commissioner (Central), Bhubaneswar for the redressal of his grievances.

During conciliation on 20.12.2004, a settlement in Form-H under the Industrial Disputes Act, 1947 was executed between the Principal of Kendriya Vidyalaya No. 3 (Management No. 2) and the workman Shri Khageswar Singh in the presence of the Assistant Labour Commissioner (Central), Bhubaneswar. The management of Kendriya Vidyalaya No. 3 had to regularize the services of Shri Singh while filling up the vacant posts of Group 'D' as per the terms of settlement. But, the management breached the settlement and did not give regular appointment to him against the vacancy of regular Group 'D' posts and engaged some other candidates with a mala fide intention.

The workman also pleaded that he has worked for more than 240 days in each year of his service with effect from 16.05.2002 till the illegal termination of his services by the Kendriya Vidyalaya Management on 28.04.2006. The management of Kendriya Vidyalaya No. 3 had assured him of regular appointment as per the settlement

worked out on 20.12.2004 between them. He has filed Photostat copies of certain documents in support of his claim. He has claimed his reinstatement with full back wages.

The 1st Party Management on the other hand has filed his Written Statement and stated that the 2nd party workman was receiving his wages from M/s. Industrial Security Agency (Management No.3). There was no employer and employee relationship between the Kendriya Vidyalaya Sangathan and their workman Shri Khageswar Singh. The job of Shri Singh came to an end with the expiry of the contract on 15.04.2006 with M/s. Industrial Security Agency. A new contractor M/s Wellmen Services, Bhubaneswar has been provided with the contract with effect from 15.04.2006. Shri Khageswar Singh was not given engagement by the new contractor and the Kendriya Vidyalaya Management did not compel M/s. Wellmen Services to engage Shri Singh as per the settlement.

The Kendriya Vidyalaya Management further stated that there was no vacancy of Group 'D' under the management. They have also raised certain allegations against Shri Singh for his not being sincere and well behaved. Since, there was no employer - employee relationship between the Kendriya Vidyalaya Sangathan and Shri Khageswar Singh, the termination of services of Shri Singh with effect from 28.04.2006 by the Kendriya Vidyalaya Management does not arise Accordingly, he is not entitled for any relief.

The Management No. 3, M/s. Industrial Security Agency has stated in its written statement that the workman Shri Khageswar Singh was initially engaged by the Management of Kendriya Vidyalaya No. 3 as a Conservancy employee. The vidyalaya management wrote M/s. Industrial Security Agency to keep Shri Khageswar Singh, the 2nd party workman in their (M/s. Industrial Security Agency) pay roll and to make monthly payments to Shri Singh on pro-rata basis with effect from 01.10.2004. Being dissatisfied with this, Shri Singh approached the Principal of Kendriya Vidyalaya No. 3 as well as the Asstt. Commissioner of Kendriya Vidyalaya Sangathan, Bhubaneswar on many occasions. Being aggrieved by the Management No. 1 and 2, the disputant workman raised an industrial dispute before the Assistant Labour Commissioner (Central), Bhubaneswar on 07.12.2004 and the matter was ended on 20.12.2004 after a tripartite memorandum of settlement arrived at between the parties under Section 12(3) of the Industrial Disputes Act, 1947.

The 1st Party Management No. 3 has paid all the dues of Shri Singh till 15.04.2006, that is till the contract period existed with the vidyalaya management. After that, Shri Singh has no relationship/responsibility with M/s. Industrial Security Agency as per Clause -I of the memorandum of settlement. In view of the above, the Management No. 3 (Contractor) prayed for exempting him from the dispute.

On the pleadings of the parties following issues were framed.

(1) "Whether the reference is maintainable?

(2) Whether the disputant Shri Khageswar Singh was engaged by the management of Kendriya Vidyalaya No. 3, Bhubaneswar (Management No. 2) and if so, whether the said disputant was terminated from service without adhering to the principles of Natural Justice and in violation of the provisions of the ID Act?

(3) If so, to what relief the disputant is entitled to?

The case was proceeded ex-parte against the 1st party Management No. 3 (Contractor) on 03.06.2008. Though the Management No. 3 was appeared subsequently on many dates, yet it did not take any step to set aside the ex-parte order passed against him.

The 2nd party workman has adduced his evidence as workman witness No. 1 and subsequently cross examined by the Management No. 1 and 2. Since the management No. 3 was absent, his cross examination is recorded as nil. The 2nd party workman has marked certain documents as exhibits from Ext. 1 to Ext. 9.

The 1st Party Management No.1 & 2 have adduced the evidence of Smt. Biraja Mishra, Principal, Kendriya Vidyalaya No. 3 as Management No. 1 & 2 witness No. 1 and the same remained un-completed. Certain documents filed by the Management No. 1 & 2 have been marked as exhibits from Ext. A to Ext. C/2.

No evidence was adduced on behalf of the 1st Party Management No. 3 (contractor).

FINDINGS

Issue No. 1

The 1st Party Management No. 1 & 2 challenged the jurisdiction of the Tribunal through their additional written statement on the issue of maintainability of the reference. There is no record in the order sheet about filing of such additional written statement. It also appears that, the 2nd party workman was not given any chance to file his counter if any against the additional written statement of the Management No. 1 & 2. A copy of the same has not been served on the 2nd party workman which is violative of the principles of Natural Justice. As per the additional written statement an award was passed on 25.05.2010 advising there with the 2nd party workman to raise the matter before the Central Administrative Tribunal to redress his grievances. But, the same was subsequently set-aside by the Hon'ble Odisha High Court in W.P. (C) No. 18042 of 2010 with the remarks that the 2nd party workman is justified in raising the matter before the conciliation authority which resulted in the reference of the matter to the CGIT. Hence the reference is maintainable as this Tribunal has got jurisdiction to hear and decide the matter. Thus, issue No. 1 is answered in favour of the 2nd Party Workman.

Issue No. 2

The 2nd Party Workman Shri Khageswar Singh in his evidence stated that he was engaged by the Management of Kendriya Vidyalaya No. 3, Bhubaneswar and discharges his duties at par with other Group 'D' employees continuously with effect from 22.01.2003 till 21.09.2004 and on 22.09.2004 Principal of the above vidyalaya advised him to draw his salary from M/s. Industrial Security Agency (Contractor) as pleaded by him in his statement of claim and the evidence adduced. The Management No. 3 M/s. Industrial Security Agency also in his written statement stated that Shri Khageswar Singh was in the roll of Kendriya Vidyalaya No. 3 prior to his engagement in the agency on 01.10.2004. But, nowhere the Management No. 1 & 2 have stated or whispered any thing about the period of engagement of Shri Singh during 2002 to 21.09.2004. Moreover, the management No. 2 (Kendriya Vidyalaya No. 3) has worked out the settlement in Form - H under the ID Act, 1947. As per the terms of the settlement the management No. 2 will continue Shri Khageswar Singh in his previous job as before through any agency/contractor contracted between the management of Kendriya Vidyalaya No. 3 and will continue even if a new contract is awarded to a different contractor. It was also settled that Shri Singh would discharge his duty with all sincerity and obey the controlling authority (management of Kendriya Vidyalaya No. 3) failing which disciplinary action would be initiated against Shri Singh as per the rules. It was also further settled that in the case of any future regular vacancy in the Kendriya Vidyalayas under the control of the Kendriya Vidyalaya Sangathan, Bhubaneswar, the case of Shri Singh would be given priority alongwith age relaxation as he was rendering services to the organization (Kendriya Vidyalaya No. 3) since long.. Exhibit No. 1 (Terms of Settlement), Exhibit No. 3 Series (Copies of peon books), Exhibit No. 4 series (copies of school attendance register), Exhibit No. 5 (copy of school garden maintenance register), Exhibit No. 6 (copy of sports certificate issued by the school to Shri Singh), Exhibit No. 7 (copy of the duty chart of Shri Singh in the school), Exhibit No. 8 (copy of the examination duty card issued to Shri Singh for school examination) all filed by the disputant workman Shri Khageswar Singh and Exhibits B & B/1 to B/16 as filed by the Management No. 2 clearly shows that Shri Khageswar Singh was working under the direct control of the School management. Exhibits B, B/1 to B/16 also speaks about direct payment of wages by the school management to Shri Singh.

In the case of [(1994) 5 SCC304 = JT1004 (4) SC 151 = (1994) 2 Scale 910] R.K. PANDA VS. STEEL AUTHORITY OF INDIA the Hon'ble apex court held that where the contractors used to be changed, but the incoming contractors employ the workers of the outgoing contractors, in such event inspite of the replacement and change of the contractors, the workers should be

absorbed by the principal employer as their regular employees.

In the case of [AIR 2003 SC 3024 = (2003) 6 SCC 528 = JT 2003 (6) SC 14] M/S. BHARAT HEAVY ELECTRICALS LIMITED VS. STATE OF U.P. AND OTHERS the Hon'ble apex court observed that workmen engaged even through contractors to produce goods or services for other/principal employer, they are employees of the principal employer.

Further in the case of [AIR 1978 SC 1410 = (1978) 4 SCC 257 = 1978 (3) SCR 1073] HUSSAINBHAI VS. ALATH FACTORY TEZHILALI UNION AND OTHERS the Hon'ble apex court have ordered that " where a worker or group of workers, labour to produce goods or services and these goods or services are for the business of another, that other is in fact the employer. He has economic control over the workers' subsistence, skill and continued employment.

In view of the above remarks, it is ascertained that the workman Shri Singh was engaged by the management of Kendriya Vidyalaya No. 3 and was working under their direct control.

The Management No. 2 (Kendriya Vidyalaya No. 3) did not take any step for the engagement of Shri Singh after 28.04.2006 as per the terms of settlement dated 20.12.2004. The office order dated 06.02.2006 issued by the Kendriya Vidyalaya Sangathan, Bhubaneswar region clearly shows that there were Group 'D' vacancies in Odisha region schools during 2006 and as per the terms of settlement the school management should have considered the case of Shri Khageswar Singh for his regular employment/ permanent absorption against the vacant Group 'D' posts. The stand taken by the school management in their written statement that there were surplus staff members seems to be incorrect. Rather, the Management No. 2 did not adhere to the terms of settlement and breached the same. Since, the Management No. 3 (M/s. Industrial Security Agency, Bhubaneswar) was a contractor under the school management till the date of expiry of contract, that is 15.04.2006 and as because the disputant workman Shri Singh was working under him as per the advise of the school management and he has no claim against the contractor, the management No. 3 is accordingly not liable for the disengagement of Shri Singh. Hence, Shri Khageswar Singh, the disputant workman was disengaged by the management of Kendriya Vidyalaya No. 3, Bhubaneswar (Management No.2) and the management had terminated his services without adhering to the principles of Natural Justice and in violation of the provisions of the Industrial Disputes Act, 1947. Accordingly, the management No. 2 (Kendriya Vidyalaya No. 3, Bhubaneswar) is not justified in terminating the services of the disputant workman.

Issue No. 3.

In view of the above remarks, it is ordered that the Management No. 2 (Kendriya Vidyalaya No. 3,

Bhubaneswar) should reinstate the disputant workman Shri Khageswar Singh in their regular pay roll or in the regular pay roll of other Kendriya Vidyalayas in Odisha region as per the terms of settlement and pay him his full back wages within a period of three months from the date of publication of this award in the Gazette of India failing which the Management No.2 shall pay the penal interest @ 12 percentum per annum in cumulative interest. No order as to cost.

The reference is answered accordingly in favour of Shri Khageswar Singh, the 2nd party workman.

Dictated and corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58 का 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/115/2007-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/115/2007-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of reference U/S 10(1)(d)(2A)
of I.D. Act., 1974

Ref. No. 58 of 2007

Employer in relation to the management of Kusunda
Area, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri U. N. Lall, Advocate

For the workman : None

State : Jharkhand Industry : Coal
Dated, 10th November, 2014

AWARD

By Order No. L-20012/115/2007-IR (C-I) dt. 16/11/2007, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Basuriya Colliery of M/s. BCCL in dismissing the service of late Shri Rasik Marandi M/Loader w.e.f. 17.03.2004 is justified and legal? If not, to what relief is the dependent family of the concerned workman entitled and from what date?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 115 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/342/1991-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 115/1992) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/342/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A)
of I.D. Act, 1947

Ref. No. 115 of 1992

Employer in relation to the management of Sendra
Bansjora Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal
Dated, 10th November, 2014

AWARD

By Order No. L-20012/342/1991-IR (C-I) dt. 25/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in denying employment to Shri Sukar Karmakar (Sukar Kumar) son of Smt. Kari Kamin, Shale Picker under V.R.S. is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 102 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/1/1992-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 102/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/1/1992- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947

Ref. No. 102 of 1992

Employer in relation to the management of Chapapur Colliery, M/s. ECL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 13th November, 2014

AWARD

By Order No. L-20012/1/1992-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Chapapur Colliery of Nirsa Area of M/s. Eastern Coalfield Ltd. in Superannuating Shri Chun Chun Singh w.e.f. 21.07.90 is justified? If not, to what relief the concerned workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 30 का 2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/130/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/2012 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/130/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947

Ref. No. 30 of 2012

Employers in relation to the management of Govindpur Area, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : Shri S. C. Gour, Advocate

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/130/2011-IR (CM-I) dt. 21/03/2012, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Govindpur Colliery of M/s. BCCL in allegedly superannuating Sh. Durga Manjhi Ex-UG Driller w.e.f. 01.06.2010 on the basis of date of Birth of 16.05.1950 assessed by the Apex Medical Board of the management is fair and justified? To what relief the concerned workman is entitled?"

2. The case is received from the Ministry of Labour on 09.04.2012. After notice both parties appeared, the workman files their written statement on 20.04.2012. Thereafter the management files their written statement-cum-rejoinder on 08.11.2012. One witness each examined by both side. Workman's document marked as W-1 to W-4 but the management's document marked as M-1.

3. It is a claim that the workman was superannuated prematurely though according the Form-"B" register Date of Birth, he had many years left to be superannuated. On the other hand the management submitted that, the workman's date of Birth written in different place differently for which he was sent to medical Board, and after medical board, age determination he was superannuated.

4. There is no illegality found from the submission of management and belated claim regarding date of Birth is not also accepted.

5. Considering the facts and circumstance of this case, I hold that the action of the management of Govindpur Colliery of M/s. BCCL in allegedly superannuating Sh. Durga Manjhi Ex-UG Driller w.e.f. 01.06.2010 on the basis of date of Birth of 16.05.1950 assessed by the Apex Medical Board of the management is fair and justified. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 92 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/348/1991-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award Ref. No. 92/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014

[No. L-20012/348/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 92 of 1992

Employer in relation to the management of
Angarpathra Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D. K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 12th November, 2014

AWARD

By Order No. L-20012/348/1991-IR (C-I) dt. 31/08/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Angarpathra Colliery of M/s. Bharat Coking Coal Limited in deleting the name of Smt. Rukminia Beldarin from the roll w.e.f. November, 1982 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 86 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/336/1991-आई. आर. (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 86/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/336/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 86 of 1992

Employer in relation to the management of Patherdih
Colliery, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri U. N. Lall, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 12th November, 2014

AWARD

By Order No. L-20012/336/1991-IR (C-I) dt. 27/08/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Patherdih Colliery under Sudamdih Area of M/s. BCCI Dhanbad in dismissing Shri Suraj Kanto Bouri, T/Mistry from service vide their letter No. BCCL/PEH/PERS/87/837 dated 27/28.10.87 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Though they took steps for certain dates, subsequently did not appear nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 161 का 1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/334/1989-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3130 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 161/1990 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/334/1989-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of a reference U/S 10(1)(d)(2A) of I.D.
Act, 1947.

Ref. No. 161 of 1990

Employer in relation to the management of Rajapur
OCP, Kustore Area No. 8, M/s. BCCL

AND

Their workmen

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Shri K.N. Singh, Rep.

State : Jharkhand

Industry : Coal

Dated 22nd October, 2014

AWARD

By Order No. L-20012/334/1989-IR (C-I) dt. 11/07/1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Rajapur Open Cast Project of M/s BCCL (Area No. VIII), in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25.06.85 is justified? If not, to what relief is the concerned workman is entitled?"

2. The Case is received from the Ministry of Labour on 16.07.1990. After hearing in length the case was disposed and Award passed on 02.01.1997. The reference answered in favour of the workman, was challenged before the Hon'ble High Court and ultimately the case is remanded to this Tribunal for decision a fresh.

3. After receipt of the case though both parties asked to adduce evidence on their behalf, they submitted to argue on the basis of the material on record and not adduce any evidence.

4. The Short point to be decided in the reference as to whether the workman is entitled to be regularised in the post of Excavation foreman or not. On the other hand the management in his written statement submitted to be a foreman one must be diploma engineer and he must have 3 years experience in the post of excavation supervisor Grade B.

5. It is the admitted fact that the workman is in excavation supervisor Grade B but no evidence adduced to the effect that whether the workman is a Diploma holder or not. Those evidence was not brought before us by the workman. This being the situation the workman cannot be regularised in the post of excavation foreman, in view of his present experience and qualification.

6. Considering the facts and circumstance of this case, I hold that the action of the management of Rajapur Open Cast Project of M/s BCCL (Area No. VIII) in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25.06.85 is justified. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 97 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/360/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 97/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/360/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 97 of 1992

Employer in relation to the management of Nirsa Area,
M/s. ECL,\

AND

Their workmen.

PRESENT : Sri RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 7th November, 2014

AWARD

By Order No. L-20012/360/1991-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management M/s. Eastern Coalfield Ltd. Nirsa Area in denying promotion to Shri M.G. Mishra, Accounts Clerk Special Grade to the post of Accountant in Technical & Supervisory Grade "A" w.e.f. July 1987 is justified? If not, to what relief the concerned workman is entitled?"

2. After receipt of the reference, parties are noticed, though they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is

presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 225 का 1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/188/1994-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 225/1994 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/188/1994-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.1), AT DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 225 of 1994

Employer in relation to the management of Karo
Project, M/s. CCL,

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/188/1994-IR (C-I) dt. 31/08/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Karo Special Project/Kendra A.A of M/s CCL in terminating the service of Shri Jago Mahto w.ef.. 29.09.83 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, parties are noticed. Through they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 98 का 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/414/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 98/1992 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/414/1991-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.1, DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 98 of 1992

Employer in relation to the management of Bodjna
Calliery, M/s. ECL,

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated 5th November, 2014

AWARD

By Order No. L-20012/414/1991-IR (C-I) dt. 15/09/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of M/s. Eastern Coalfield Ltd. Nirsa Area in relation to their Badjna Colliery is not regularising the service of S/Shri Shyamapado Rewani and Haru Gorai is justified? If not, to what relief the concerned workman are entitled?"

2. After receipt of the reference, parties are noticed. Though they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence, No dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 49 का 2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/29/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 49/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/29/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No.1), DHANBAD**

In the matter of a reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 49 of 2011

Employer in relation to the management of Bassuria
Colliery Kusunda Area, M/s. BCCL

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Shri R.R. Ram, Rep.

State : Jharkhand

Industry : Coal

Dated 24th October, 2014

AWARD

By Order No. L-20012/29/2011-IR (CM-I) dt. 12/09/2011, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Bassuria Colliery of M/s BCCL in not correcting the date of Birth of Smt. Kunti Devi, Lorry Cleaner Mazdoor as 14.06.1956 is justified? To what the concerned workman is entitled?"

2. The Case is received from the Ministry of Labour on 14.11.2011. After notice both parties appeared, the Sponsoring Union/workman files their written statement on 23.11.2011. Thereafter the management files their written statement-cum-rejoinder on 7.12.2012. Only one witness adduce on behalf of the workman as WW-1. Document of the management marked as Ext. M-1 to M-5.

3. The short point is involved in this case is that the date of Birth of the workman is 14.06.53 is correct or not.

4. The claim of the applicant was that her date of Birth is 14.06.1956, which is not accepted by the management. Management in his counter submitted that at the time of appointment the workman did not submit any age proof, therefore the medical board is formed.

5. The medical board assessed her age 41 years as on 14.06.1994 and that is there in her service record. That being the position, belated claim of the workman to correct her Date of Birth does not arise at all.

6. Considering the facts and circumstances of this case, I hold that the action of the management of Bassuria Colliery of M/S BCCL in not correcting the date of Birth of Smt. Kunti Devi, Lorry Cleaner Mazdoor as 14.06.1956 is justified. Hence she is not entitled to get any relief. Claim refused.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 15 का 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/12/2014 को प्राप्त हुआ था ।

[सं. एल-20012/93/2006-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 15/2007 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/93/2006-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.1), DHANBAD

In the matter of a reference U/S 10(1)(d)(2A) of
I.D. Act, 1947

Ref. No. 15 of 2007

Employer in relation to the management of W.J. Area,
M/s. BCCL

AND

Their workmen

PRESENT : SRI RANJAN KUMAR SARAN,
Presiding Officer

APPEARANCES :

For the Employers : Sri D.K. Verma, Advocate

For the Workman : Shri D. Kumar, Advocate

State : Jharkhand

Industry : Coal

Dated 27th October, 2014

AWARD

By Order No. L-20012/93/2006-IR (CM-I)
dt. 14/02/2007, the Central Government in the Ministry of
Labour has, in exercise of the powers conferred by

clause (d) of sub-section (1) and sub-section (2A) of
Section 10 of the Industrial Disputes Act, 1947, referred
the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Murlidih
20/21 pits Colliery of M/s BCCL in not regularizing
Smt. Rajo Bhuini, Smt. Lakhi Bourin, Smt. Musri
Devi and Smt. Bijala Bala Devi as Security Guards
and also in not providing them uniform/washing
allowance since 11.06.94, 27.07.94 and 05.08.94
respectively is legal and justified? If not, to what
relief are the concerned workers entitled and from
what date?"

2. The Case is received from the Ministry of Labour
on 01.05.2007. After receipt of the reference, both parties
are noticed. The sponsoring Union files their written
statement on 21.12.2009. Thereafter the management files
their written statement-cum-rejoinder on 09.06.2010.
Rejoinder and document also filed by the parties. The
Sponsoring Union adduced Three witness as W-1 to
W-3, But the management only marked the document as
M-1 to M-8.

3. The point involved in the reference is that whether
the four lady workman will be regularize in the post of
Security Guard or not as they were sent for training as
Security Guard.

4. The workman named above claimed to be
absorbed as Security Guard, as they were under went
training by the management. On the other hand the
management submitted that the workman concerned did
not have the minimum qualification i.e. 8th class pass, to
be observed as security Guard.

5. The witness W-1 to W-3 all are concerned
workman submits in their evidence that we are illiterate.
The evidence of the workman as below:-

"We are illiterate. I cannot say whether I have
qualification to be appointed as security Guard. Now we
are in category III."

6. This be the situation the workman cannot be
absorbed as security Guard. Moreover the Management
should not send persons to training without verifying
their educational qualification, to avoid litigations and
controversy.

7. Considering the fact and circumstances of this
case, I hold that the action of the management of Murlidih
20/21 pits Colliery of M/s BCCL in not regularizing Smt.
Rajo Bhuini, Smt. Lakhi Bourin, Smt. Musri Devi and
Smt. Bijala Bala Devi as Security Gurads and also in not
providing them uniform/washing allowance since 11.06.94,
27.07.94 and 05.08.94 respectively is legal and justified.
Hence they are not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 38/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/258/1989-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 38/1992) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/258/1989-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD****Reference: No. 38/1992**In the matter of reference U/S 10 (1) (d) (2A) of
I.D. Act, 1947Employer in relation to the management of
Bastacolla Area of M/s BCCL

AND

Their workmen

Present : Sri R. K. SARAN, Presiding Officer**Appearances:**

For the Employers : Sri D.K.Verma, Advocate

For the workman : Sri D.Mukherjee, Advocate

State : Jharkhand

Industry : Coal

Dated 3/11/2014

AWARD

By order No. L-20012/258/ 1989 /IR (CM-1)) dated 12/05/1992, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether shri Modi Bhuiya and 465 other wagon Loader/Truck Loaders/Tractor Loaders stated to be employed by the management of Bastacolla Area No.IX of M/S Bharat Coking Coal Ltd. Through a Labour Cooperative, namely Coalfield Shrmik Sahayog Samiti ,Chandmari were to be treated as workmen of the said management ? And whether the demand of that those persons be regularized in the service of the said management is justified? If so , to what relief are the concerned persons are entitled?”

Annexure**List of workmen**

Sl. No.	Name	S/O	Village	Post	P.s	Dist
1	2	3	4	5	6	7
1	Sri Modi Bhuiya	Late Latlu Bhuiya	Kharsari	Shivsona	Jamui	Munger
2	Sri Nivash Ray;	Shri Muktinay Ray	Housing colony Hirapur	Dhanbad	Dhanbad	Dhanbad
3	Sri Chhtri Yadav	Riphan Yadav	Chhotki Sariya	Sariya	Sariya	Giridih
4	Sri Shiv Narayan Yadav	Tilu Yadav	Chhotki Sariya	Sariya	Sariya	Giridih
5	Prem Yadav	Tilu Yadav	Chhotki Sariya	Sariya	Sariya	Giridih
6	Sri Panchu Yadav	Balo Yadav	Lakdahi	Padvara	Guruaa	Gaya
7	Sri Ram Prasad Ravani	Domdi Rawani	Makhdumpur (Darar)	Navinagar Road	Navinagar	Aurangabad
8	Sri Muni Ravani	Domdi Rawani	Makhdumpur (Darar)	Navinagar Road	Navinagar	Aurangabad
9	Sri Shumbhu Thakur	Harkheet Thakur	Maneedhar	Dhanbad	Dhanbad	Dhanbad
10	Govind Hemram	Ishvar Hemram	Kohagora	Bhendara	Navadeeh	Girideh
11	Smt Chameli Kamin	Kishor Bhuiya	Ganeshdih	Kusunda	Kenduadih	Dhanbad
12	Sri Ashray Ansari	Usak Ansar	Aina Colliery	Dhansar	Jhariya	Dhanbad

1	2	3	4	5	6	7
13	Sri Ashphak Ansari	Usak Ansar	Aina colliery	Dhansar	Jhariya	Dhanbad
14	Sri Yogendra Ram	Gulab Ram	Piro Vigha	Sikandarpur	Jhahanabad	Gaya
15	Sri Shiv Narayan Ravidash	Madho Ravidash	Sherpur	Guruaa	Guruaa	Gaya
16	Sri Nandu Vishkarma	Karu Mistri	Kaura	Kaura	Partapur	Hazaribag.
17	Sri Ragnath Vishkarma	Rambaran Mistri	Jamuara	Bake Bazar	Bake Bazar	Gaya
18	Smt Tule Devi	Banshi Chauhan	Matapa	Matapa	Kutumba	Aurangabad
19	Sri Vrijnandan Prasad	Tiloki Ram	Pipra	Sighrava	Chaupas	Hajaribag
20	Sri Kailash Paswan	Sarguy Paswan	Nauna	Nalanda	Nalanda	Nalanda
21	Sri Kamti Kamin	Bhagwat Nanniya	Simrdhamni	Chanpur	Mali,	Aurangabad
22	Shantu Kamin	Ram Prasad Chauhan	Barba	Kari Mandih	Sd-	Plamu
23	Shresh Pasvan	Kamaldev Pasvan	Sherpur	Sherpur	Gurua	Gaya
24	Ydu Saw	Bhuneshwar Saw	Gerud	Gurua	Gurua	Gaya
25	Indrav Saw	Prameshwar Saw	Kasim	Kasim	Raphigang	Aurangabad
26	Sahadev Saw	Rameshwar. Saw	Phatehpur	Jmuua Kla	Jmuua Kla	Gaya
27	Bhulendra Paswan	Shibu Paswan	Brare	Mananpur	Lkhisray	Munger
28	Praja Paswan	Karu Paswan	Yanaradh	Chanan	Bela	Gaya
29	Bijay Paswan	Masudi Paswan	Sankurha	Amarth	Jmui	Munger
30	Md. Liyakt	Md. Rahmali	Pakrikla	Dhashrathpur	Surynama	Varansi
31	Kari Kamin	Lakhpti Bhuiya	Brarikop	Kendua	Kedua	Dhanbad
32	Viphan Yadav	Ajit Madav	Mayapur	Navadih	Hantergang	Hajaribag
33	'Kripan Prasad	Jhagnu Prajapat	Navadih	Tilaiya	Aamas	Gaya
34	Shri Dharmdev Prasad.	Koim Yadav	Lakradho	Paduhara	Gurua	Gaya
35	Shri Rajkumar Prajapti	Jsheshwar Prajapti	Sherpur	Gurua	Gurua	Gaya
36	Kameshwari Kamin	Ramchandra Chauhan	Budhan Bihga	Aamas	Aamas	Aurangabad
37	Dineshwar Mahato	Mahendra Mahato	Bhuli Basti	Bhuli	Bankmor	Dhanbad
38	Karu Mahato	Dular Mahato	Sherpur	Gurua	Gurua	Gaya
39	Lal bag Ram	Dhwarika Ram	Balba	Karai	Sarmera	Nalanda
40	Indradev Ram	Ganesh Ram	Chhotki Sariya	Sariya	Sariya	Giridih
41	Keshwar. Ram	Sudheshwar Ram	Lahari	Makhra	Barun	Aurangabad
42	Yashoda Kamin	Nakul Nonida	Barma	Barma	Prariya	Gaya
43	Raju Bhuiya	Tulsi Bhuiya	Agahra	Agahra	Jamui	Munger
44	Rajendra Ram	Ishwar. Prasad.	Sherpur	Gurua	Gurua	Gaya
45	Mansur Ansari	Karim Mastan	Pratappur	Jamui	Jamui	Munger
46	Nasir Ansari	Mo Gulam Raghul	Mungo	Gunardih	Gunardih	Navadih
47	Tiveni Paswan	Raghu Nandan Padwanb	Magrama	Baliya	Baliya	Gaya
48	Kendu Prasad	Ramlal Prasad	Thakur Bari	Sariya	Sariya	Giridih
49	Sakhichand Chaudhri	Bhdhu Chaudhri	Mamapur	Navadihpnari	Hantergang.	Hazanbagh
50	Rampati Chaudhri	Budhu Chaudhri	Pirma	Baliya	Gurua	Gaya
51	Guru Charan Chaudhri	Sarena Chaudhri	Parsama	Parsama	Bake Bazar	Gaya
52	Gulab Chand Chaudhri	Phovari Choudhri	Ghira	Ghira	Halsi	Munger
53	Suneshwar Chaudhri	Doman Chaudhri	Kusbha Basdiha	Pariya	Kuvumba	Aurangabad
54	Daroga Bhuiya	Mithu Bhuiya	Chandmari Colliery	Dhansar	Dhansar	Dhansar
55	Haso Paswan	Sukhdev Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhansar
56	Ghanshyam Ram	Baijnath Ram	Nasib Bigra	Kasibpur	Barun	Aurangabad
57	Shambu Prasad.	Birbal Prasad.	Jhikriya	Madanpur	Madanpur	Aurangabad
58	Priya Prasad.	Saphora Prasad.	Naisb Bigra	Kasipur	Barun	Aurangabad

1	2	3	4	5	6	7
59	Debmuni Prasad Rawani	Sarphra Prasad Ravani	Nsib Bigha	Kasipur	Barun	Aurangabad
60	Gauri Shankar Prasad	Phirangi Prasad	Nasib Bigha	Kasipur	Barun	Aurangabad
61	Dhuarika Prasad yadav	Pokhan Yadav	Chotki Sriya	Sriya	Sriya	Giridih
62	Ganesh Prasad Rawani	Domari Prasad Rawani	Makhdumpur	Nvinagar Road.	Nvinagar	Aurangabad
63	Ram Bijay Kumar.	Nageshwar. Prasad.	Samsher Nagar	Samsher Nagar	Dheu Nagar	Aurangabad
64	Indrajeet Singh	Jaynath Singh	Samsher Nagar	Smsher Nagar	Daud Nagar	Aurangabad
65	Surendra Singh	Ram Prasad Singh	Hasanpur	Sd-	Aobra	Aurangabad
66	Shivnarayan Singh	Bisheshwar. Singh	Hasanpur	Sonwarsa	Aobra	Aurangabad
67	Ramshish Kumar	Jaydish Mahato	Chan Mruni	Sariya	Sariya	Giridih
68	Surendra Singh	Balgovind Singh	Sam sair Nagar	Sariya	Aobra	Aurangabad
69	Braj Prasad Malakar	Motialal Malalkar	Chand Mourni	Sariya	Sariya	Giridih
70	Shankar Prasad Malakar	Motialal Malalkar	Chand Mourni	Sariya	Sariya	Giridih
71	Buneshwar Noniya	Ramdev Noniya	Chaunokhar	Bara	Navinagar	Aurangabad
72	Kuldeep Noniya	Ramvilas Noniya	Sd-	Balai	Navinagar	Aurangabad
73	Jeetendra Chauhan	Ramkhelavan Chauhan	Barki Bodhai	Phokhraha	Aurangabad.	Aurangabad
74	Tpeshwar Beldar	Mandal Beldar	Ratnuua	Phopra Bgahi	Kutumba	Aurangabad
75	Phagu Noniya	Nageshwar Noniya	Leduka	Kutma	Sd-	Plamu
76	Tetri Beldaron	Ramji Beldar	Godhar	Kusunda	Kussunda	Dhanbad
77	Baleshwar Chauhan	Ram Bilat Chauhan	Kharonda	Belhari	Majhiyama	Plamu
78	Rajendra Noniya	Jagdeesh Noniya	Kasturi Chanokar	Poldih	Japla	Plamu
79	Raj Kumar Chauhan	Bilash Chauchan	Sd-	Prairiya	Sd-	Aurangabad
80	Indradev Ram	Chaman Ram	Makhadumpur	Navinagar Road	Navinagar Road	Aurangabad
81	Mahendra Naniya	Jaymangal Noniya	Prajpur	Baliya	Kutumba	Aurangabad
82	Tpeshwar. Chauhan	RamdasChauhan	Makdupur Braj	Nvinagar	Nvinagar	Aurangabad
83	Ramchandra chauhan	Ramlita Chauhan	Simridhmi	Chainpur	Mali	Aurangabad
84	Raj kumar. Noniya	Jaymangal Noniya	Poraspur	Baliya	Kutumba	Aurangabad
85	Kanti Kamin	Devent Naniya	Simridhomni	Chainpur	Mali	Aurangabad
86	Jay Prakash Kumar	Shri Ramavtar Kumar	Sonvarsha	Sonvarsha	Bihpur	Bhagalpur
87	Sunil Kumar.	Shri Ramavtar Kumar	Sonvarsha	Sonvarsha	Bihpur	Bhagalpur
88	Bipin Kumar.	Shri Ramdev Saw	Barajiktika	Primari	Karpit	Gaya
89	Ram Prakash Ray	Kamdev Ram	Sd-	Sd-	Sd-	Sd-
90	Suresh Prasad.	Madho Prasad Ravidas	Sherpur	Gurua	Gurua	Gaya
91	Nvin Kumar	Shri Ram Lakhan Kumar.	Sonvarsha	Sonversha	Bihpur	Bhagalpur
92	Sakil Ahmad	Sd-	Sd-	Sd-	Sd-	Dhanbad
93	Ram Prevesh Dusad.	Lochi Dusad	Drar	Navinagar	Navinagar	Aurangabad
94	Barti Beldarin	Mhendra Beldarin	Noniya Bigha Drua	Sd-	Japla	Plamu
95	Laldev Chauhan	Mahavir Chauhan	Bilaspur	Tarva	Navinagar	Aurgabad
96	Lakhan Chauhan	Ramchandra Chauhan	Knouda	Haidharnagar	Haidharnagar	Palmu
97	Ramjeet Chauhan	Besar Chaudhri	Ghira	Ghira	Sd-	Sd-
98	Naresh Chauhan	Ramkaran Chauhan	Chamlpur	Phag	Gauh	Aurangabad
99	Sikendra Dadhi	Kririt Dadhi	Bholva	Barki Bholba	Sarmera	Nalanda
100	Bihari Beldar	Bukhun Beldar	Chunhata	Chunhata	Sd-	Rohtas
101	Shiv Narayan	Rampati Chauhan	Simri Dhari	Chainpur	Mali	Aurangabad
102	Anish Noniya	Dharika Noniya	Noniya Bigha Daura	Dauna	Japla	Plamu
103	Kapish Thakur	Budhan Thakur	Joni Bigha Vara	Jani Bigha	Bodh Gya	Gaya
104	Rajendra Ravani	Ram Gulab Ram	Madho Rvap	Bhorba	Madanpur	Aurangabad

1	2	3	4	5	6	7
105	Sampat Biskarma	Mahabir Bishvkarma	Itar	Timura	Raphigamg	Aurangabad
106	Ramchandrar Prasad	Shiv Prasad.	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
107	Sahadev Biskarma	Sanichar Bishkarma	Agni	Chevari	Dhaudnagar	Aurangabad
108	Chinta Kamin	Shiv Chauhan	Agniya	Ishat	Barun	Aurangabad
109	Ganga Prasad.	Ravi Prasad.	Sd-	Dhansar	Dhansar	Dhanbad
110	Krishna Mahato	Devnath Mahato	Jabalpur	Shamve	Barsligang	Navada
111	Lakshaman Buiya	Klesar Buiya	Bramchak	Aamas	Aamas	Gaya
112	Darvari Prasad	Raghunath Prasad.	Manitad	Dhanbad.	Dhanbad	Dhanbad.
113	Lakhaminiya Kamin	Mahendra Noniya	Pirajpur	Baliya	Kutumba	Aurangabad
114	Kedar Bhuiya	Chanarik Bhuiya	Tamruya	Gurua	Gurua	Gaya
115	Jalim Bhuiya	Manlu Bhuiya	Bramchak	Aams	Aams	Gaya
116	Sundri Kamin	Lalan Chauhan	Batrwa	Karimandih	Mohangang	Plamu
117	Binod Chauhan	Chanari Chauhan	Chain Bigta	Rnor	Aurangabad	Aurangabad
118	Munna Prasad Chauhan	Domi Beldar	Baswan Bigha	Pen	Silav	Nalamda
119	Ramkhelawan Beldar-	Basudev Bddar	Makhdumpur	Navingagar	Nvinagar	Aurangabad
120	Birendra Chauhan	Kailas Chauhan	Batauta	Karimandih	Mohangang	Plamu
121	Pipriya Kamin	Balak Shankar Noniya	Kusmalsdiha	Parriya	Simra	Aurangabad
122	Rajendra Ram	Ishwar. Prasad	Serpur	Gurua	Gurua	Gaya
123	Dharmraj Ram	Ganpat Ram	Sherpur	Gurua	Gurua	Gaya
124	Damadhar Ram	Tilu Ram	Sd-	Aamas	Aamas	Gaya
125	Reshmi Kamin	Ramchandra Chauchan	Kandi	Kandi	Sd-	Plamu
126	Kunti Kamin	Munilal Chauhan	Chamlpur	Phag	Goh	Aurangabad
127	Ramrup Noniya	Ram Sevak Naniya	Simiri Dhamni	Chainpur	Navinagar	Aurangabad
128	Adhesh Prasad.	Sd-	Kharvana	Navadih	Sd-	Haribhag
129	Matilal Mandal	Kamal Mandal	Chotki Sariya	Sariya	Sariya	Giridih
130	Harihar Mandal	Ramlal Mandal	Thakur Tala	Sariya	Sariya	Giridih
131	Ram Kishun Mandal	Gopnath Mandal	Kushari	Kusavari	Sariya	Giridih
132	Umesh Mandal	Jaynath Mandal	Keswori	Sariya	Sariya	Giridih
133	Shri Sahadev Mandal	Lochand	Chotki Sariya	Sariya	Sariya	Giridih
134	Sri Akhilesh Kumar Singh	Ram Prasad Singh	Hasanpura	Sonvarsa	Sonvarsa	Aurangabad
135	Shri Devnandan Rajak	Bhanu Rajak	Makhdum	Janibigha	Ramdihra	Rohtash
136	Shri Lakhan Rawani	Aitwari Rawani	Rophath	Rophta	Ramdihra	Rohtash
137	Laldhri Mandal	Shukar Mandal	Chotki Sariya	Sariya	Sariya	Giridih
138	Shri Bijay Mandal	Shukar Mandal	Chotki Sariya	Sariya	Sariya	Giridih
139	Maldev Turi	Madhu Turi	Chandanani Colliery	Dhansar	Dhansar	Dhanbad
140	Shri Somar Paswan	Lakhan Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
141	Shri Gurupad. Rawani	Mdhu Rawani	Chandmanri Colliery	Dhansar	Dhansar	Dhambad
142	Shri Dhanu Turi	Rama Turi	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
143	Shri Ranchu Yadav	Mukund Yadav	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
144	Shri Sipahi Singh Yadav	Bangali Singh Yadav	Dhanbad	Dhanbad	Dhanbad	Dhanbad
145	Shri Suresh Mandal	China Mandal	Patam Braichak	Patam	Muffasil	Munger
146	Shri Pramod Kr. chourasia	Arjun Mandal	Baraichak	Patam	Muffasil	Munger
147	Shri Chatar Dhari Bhuiya	Lakhan Bhuiya	Ghira	Ghira	Halsi	Munger
148	Shri Mangal Bhuiya	Mohan Bhuiya	Ghira	Ghira	Halsi	Munger
149	Aanand Hajra	Madan Hajra	Sd-	Dhanbad.	Dhanbad.	Dhanbad.
150	Shri Tulsi Umar	Nathun Ravidas	Bhudhal	Bhudhal	Rphigang	Aurangabad

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151	Champa Devi	Churka Bhuiya	Kusunda Colliery	Kusunda	Kusunda	Dhanbad.
152	Shri Batsava Devi	Kishun Bhuiya	Khadsari	Shivsona	Jmui	Munger
153	Shri Suraj Bhuiya	Tulsi Bhuiya	Sonakhap	Shergdhati	Jmui	Gaya
154	Visheshwar Turi	Dhnishwar Turi	Chand Mari Colliery	Dhansar	Dhansar	Dhanbad
155	Shri Kuldeep Singh	Munarika Singh	Nadho	Agi Aav- Bajar	Agi Aav- Bajar	Bhojpur (Aara)
156	Shri Ram Bilash Pasvan	Janko Pasvan	Chhoti Mayapur	Navadeehu Pnadi	Pnadi	Hajaribag
157	Girja pasvan	Birju Pasvan	Madhuva	Phulvata	Phulvata	Dhanbad
158	Shri Lakshman Singh	Chabu Singh	Dhanbad	Dhanbad	Dhanbad	Dhnabad
159	Shri Bihari Pasvan	Ramlal Pasvan	Chhotki Mayapur	Nabadeeh	Panari	Hajaribag
160	Shri Mithu Yadav	Mahavir Yadav	Sarebad	Aghra	Jamui	Munger
161	Shri Kuldeep Prasad	Chhotan Bhuiya	Khdsari	Shivsona	Jamui	Munger
162	Shri Rajendra Ram	Raja Ram	Kasimpur	Abjuganj	Sultanjang	Bhalgalpur
163	Shri Kanahi Prasad Ravani Rawani	Dukhee Prasad Rawani	Bes Basiya	Kachra Kamdarpur	Japla	Plamu
164	Shri Ramanand Prasad	Munshi Prasad Rawani	Nanmateeya	Nanmateeya	Madanpur	Aurangabad
165	Satnarayan Pd. Rawani	Sita ram Pd. Rawani	Surjan Vigadh	Nanmateeya	Navinagar	Aurangabad
166	Shri Prabhu Bhuiya	Mangar Bhuiya	Banda	Phetahpur	Phetahpur	Gaya
167	Shri Ramdev Pd.	Ramprasad	Kandeeh-4	Bas jora	Loyabad	Dhanbad
168	Tilak Pd.	Munarik Noniya	Kandeeh	Kandeeh	Sd-	Palamu
169	Dhwarika Singh	Bhuledhar Singh	Hajaribag Road Station	Sariya	Sariya	Giridih
170	Ramjatan Chaudhri	Sardar Chaudhri	Kusbhabasdeeha	Pariya	Kutumba	Aurangabad
171	Puni pasi	Jagdhri Pasi	Gira	Gira	Halsi	Munger
172	Ramphal Pasi	Bandhu Pasi	Kharauna	Navadih Pnari	Hantar Gang	Hazaribag
173	Anwar Ansari	Gulam Ansari	An colliery	Bhagat Dih	Jhriya	Dhanbad
174	Rampukar Pasvan	Kamdev Pasvan	Bariya	Bariya	Mali	Aurangabad
175	Indradev Ram	Ramchndra Ram	Dulra	Dulra	Dulra	Gaya
176	Ramkrit Mahto	Jageshwar Mahto	Dhobra	Aamas	Simra	Aurangabad
177	Raj Kumar. Mahto	Muneshwar Mahto	Dhobra	Aamas	Simra	Aurangabad
178	Ramadhar Pr. Rawani	Jagdeesh Pd. Rawani	Sd-	Ramdihs	Rohtash	Rohtash
179	Ramdukar Prasad.	Kamdev Pd.	Bariya	Bariya	Mali	Aurangabad
180	Upendra Ram	Ramprasad. Ram	Karmari	Gosaidih	Nvinagar	Aurangabad
181	Shankar Mandal	Ramlal Mandal	Thakur Bari	Sanya	Sanya	Giridih
182	Koshal Kishor Ray	Maksudan Ray	Balvakabhari	Baskupi	Madhupur	Dumka
183	Ram Naresh Bhagat	Mahavir Bhagat	Bairiya	Bairiya	Mali	Aurangabad
184	Dev Kumar	Kamdev Kumar	Bairiya	Bairiya	Mali	Aurangabad
185	Ramadhar Ram	Shivnarayan	Sairpur	Gurua	Gurua	Gaya
186	Mulendar Pd.	Modho Pd.	Dhambad	Dhanbad	Dhanbad	Dhanbad
187	Sahdev Paswan	Doman Paswan	Pathra	Sd-	Makhdumpur	Jhanabad
188	Karu Mahto	Modho Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
189	Nepali Ram	Sakhora Ram	Kanchan pur	Kashipur	Barum	Aurangabad
190	Dharmraj Ram	Shiv Narayan Ram	Shairpur	Gura	Gura	Gaya
191	Sushila Devi	Sudama Chauhan	Kastunri Chankar	Poldih	Japla	Plamu
192	Umesh Hansda	Hemraj Hasda	Bhuli Basti	Bhuli Basti	Bankmor	Dhanbad
195	Laldev Ram	Chaman Ram	Makhdumpur	Navin Nagar	Navin Nagar	Aurangabad
196	Mandeep Prasad	IndradevGurua	Dagbar	Dagbar	Kutumba	Aurangabad

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197	Sarita Devi	Indrav Nonia	KusumaBasdiha	Badriya	Kutumba	Aurangabad
198	Viphan Noniya	Bigan Noniya	Victry Colliery	Dhansar	Dhansar	Dhanbad
199	Savitri Devi	Prakash Chauhan	Sd-	Sd-	Kutumba	Aurangabad
200	Surendra Prasad	Ram Swarup Paswan	Raunagad	Chakan	Sd-	Gaya
201	Karu Bhuiya	Kesho Bhuiya	Dharhara	Dhmel	Pakri Barma	Navada
202	Umesh Lal	Harinarayan	Sd-	Turarhi	Turarhi	Sd-
203	Sundri Kamin	Ramjeet Noniya	Simri Dhami	Chainpur	Mali	Aurangabad
204	N. Prasad	Jairam Ram	Mohanpur	Sd-	Sd-	Rohtas.
205	Gangiya Kamin	Rajkumar Chauhan	Sd-	Prariya	Kutumba	Aurangabad
206	Gunja Bhuiya	Makra Bhuiya	Bramchak	Aamas	Aamas	Gaya
207	Khopri Bhuiya	Chalitr Bhuiya	Bichvaiy	Bichvaiy	Lakkhisray	Munger
208	Ramni Kamin	Kali Charan Chauchan	Simri Dhamni	Chanpur	Mali	Aurangabad
209	Ramlal Bhuiya	Murat Bhuiya	Nathubigha	Khiryama	Madanpur	Aurangabad
210	Saryug Bhuiya	Manki Bhuiya	Vakilganj	Purnadih	Madanpur	Aurangabad
211	Saman Bhuiya	Hari Bhuiya	Vakilganj	Purnadih	Madanpur	Aurangabad
212	Chando Bhuiya	Rekha Bhuiya	Bania	Madanpur	Madanpur	Aurangabad
213	Virya kamin	Malick Chand Chauhan	Kusuma Badiha	Prariya	Kutumba	Aurangabad
214	Ramashish Buiya	Bajju Bhuiya	Khadsharee	Shibshona	Jamui	Munger
215	Kari Kamin	Narayan Thakur	Jainagar	Jainagar	Jainagar	Hazaribagh
216	Rambali Prasad	Ganesh Pd. Dash	Chandukhra	Nagvangad	Gurua	Gaya
217	Ramsawrup Bhuiya	Ramesh Bhuiya	Sav	Aams	Aamas	Gaya
218	Kameshwar Bhuiya	Chnari Bhuiya	Sahukarma	Raphi Gang.	Raphi Gang.	Aurangabad
219	Tpeshwar Bhuiya	Mna Bhuiya	Dhakhil	Dhakhil	Bribhay	Munger
220	Jitan Prasad	Maru Prajapat	Navadeeh	Tileshya	Aamas	Gaya
221	Rajkumar Bhuiya	Sd-	Khad Sari	Shivsana	Jamui	Munger
222	Chandra Bhuiya	Baiju Bhuiya	Katauna	Katauna	Katauna	Munger
223	Baleshwar Bhuiya	Lat Bhuiya	Khadsar	Shivsona	Jamui	Munger
224	Rajendra Bhaiya	Karu Bhaiya	Gushan Gang	Serghati	Serghati	Gaya
225	Doman Mahto	Ramsagar Mahto	Chapra Sahlan pur	Javnapur	Samstipur	Samastipur
226	Kishun Mahto	Kanhai Mahto	Pochagora	Bhendra	Navadih	Giridih
227	Murat Gop	Lakhkhi Gop	Dhayari	Bhendra	Navadih	Giridih
228	Basudev Kisku	Kishun Kisku	Pochagoda	Bhendra	Navadih	Giridih
229	Rajkumar Viskarma	Moti Viskarma	Uchak	Uchak	Uchak	Hazaribagh
230	Kalaicharan Chauhan	Balkeshwar Noniya	Simri Dhamni	Chainpur	Mali	Aurangabad
231	Dev Noniya	Chalita Noniya	Simri Dhamni	Chainpur	Mali	Aurangabad
232	Kailu Paswan	Govind Paswan	Panch Bigha	Hisuva	Hisuva	Navada
233	Bhuneshwar Kumar	Dhashai Ram	Atithi	Atithi	Sd-	Rohtash
234	Rampti Chauchan	Dukhan Chauchan	Chunahata	Chunahata	Naiyata	Rohtash
235	Bhulel Chauchan	Vukhan Chauhan	Chunahata	Chunahata	Naiyata	Rohtash
236	Rajendra varma	Bodhan Barma	Khadsuri	Shivsona	Jamui	Munger
237	Shambhu Prasad	Dhanan Prasad	Hathagdhi	Multana	Kamsandi	Hajaribag
238	Boleshwar Saw	Saryu Saw	Sd-	Karma	Dev	Aurangabad
239	Rajkumar Noniya	Late Vrikh Noniya	Budhva	Balugany	Balugany	Aurangabad
240	Jaykant Prasad	Kardhani Mandal	Kusumdiha	Prariya	Simra	Aurangabad
241	Saryug Beldar	Charitri Beldar	Dhanbad	Dhanbad.	Dhanbad	Dhanbad
242	Shyam Sundar Paswan	Modi Paswan	Dhanbad	Dhanbad	Dhanbad	Dhanbad

1	2	3	4	5	6	7
243	Kailash Paswan	Lakhan Paswan	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
244	Shiv Kumar Paswan	Sd-	Dhanbad.	Dhanbad	Dhanbad	Dhanbad
245	Raja Beldar	Bhagal Beldar	Pirajaypur	Bliya	Kutumba	Aurangabad
246	Tulsi Paswan	Karu Paswan	Pasta Kola	Dhanbad	Jhariya	Dhanbad
247	Kameshwar Bhagat	Rameshwar Bhagat	Dhanbad	Dhanbad	Dhanbad	Dhanbad
248	Raj Balav Chauhan	Dev Narayan Chauhan	Moheyda	Kala Phar Tendua	Kutumba	Aurangabad
249	Raga Ram Beldar	Ramkishun Beldar	Karriya	Krimandih	Sd-	Plamu
250	Minti Devi	Rampti Chauhan	Chunhata	Chunhta	Nauhta	Rohtash
251	Umesh Ram	Modho Ram	Sherpur	Gurua	Gurua	Gaya
252	Ajay Ram	Ram Pravesh Ram	Chauram	Dhaunagar	Dhaunagar	Aurangabad
253	Bijay Prasad.	Titai Prasad	Maryanri(Mokhra)	Maryanri(mokhra)	Barun	Aurangabad
254	Doman Bouri	Modhubauri	Dhanbad	Dhanbad	Dhanbad	Dhanbad
255	Suresh Mandal	Nirmal Mandal	Chtki Sariya	Sariya	Sariya	Giridih
256	Saryug Mhato	Prameshwar Mahto	Manitad	Dhanbad	Dhanbad	Giridih
257	Laljeet Paswan	Videshi Paswan	Dhansar	Hisua	Hisua	Navada
258	Amir Paswan	Bideshi Paswan	Dhansar	Hisua	Hisua	Navada
259	Munilal Chauhan	Ramwat Chauhan	Chamalपुरा	Phay	Ghoh	Aurangabad
260	Bhagwati Rajvansi	Bijay Rajwansi	Sd.	Dhanbad	Dhanbad	Dhanbad
261	Rambali Prasad	Judagir Prasad	Tara	Tara	Dhaudnagar	Aurangabad
262	Mahendra Kr. Saw	Baijnath Saw	Kalhua	Bandri Bagar	Sd-	Sd-
263	Bhagwan Thakur,	Gomni Thakur	Sjajan	Beni	Japla	Plamu
264	Bnarso Prasad.	Jamuna Ray.	Chapra Shalanpur	Sd-	Samastipur	Samastipur
265	Shri Rameshwar. Prasad	Dhudheshwar Prasad.	Mahuyri	Makhra	Barun	Aurangabad
266	Glushi Beldar	Dhukan Beldar	Raghubigha	Simra	Mali	Aurangabad
267	Bhuneshwar Prasad	Bansi Prasad	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
268	Mithilesh Kumar	Radheshyam	Mhuyari	Makhra	Barun	Aurangabad
269	Sohan Saw	Jhodhan Saw	Kaladara	Uchak	Uchak	Aurangabad
270	Ashok Kumar	Damodar Dash	Aagra	Devkuli	Uchak	Hajaribhag
271	Arbind Kumar	Shri Ram dev Saw	Bara Jhiktiya	Primari	Karpi	Sd-
272	Devant Noniya	Chlitra Noniya	Dhamnisimri	Chainpur	Mali	Aurangabad
273	Shankar Saw	Sukhu Saw	Slamatpur	Tejibajar	Mahrajgang	Jainpur
274	Dhiran Prasad	Bhugeshwar Prajapati	Bandhu Bihha	Sd-	Bairya	Gaya
275	Sidheshwar Prasad	Karu Paswan	Basta Kola	Dhansar	Jhariya	Dhanbad
276	Kaleshwar Paswan	Ramvrikh Paswan	Simri Damni	Chainpur	Mali	Aurangabad
277	Jagdeesh Yadav	Bhaso Yadav	Chandmari	Dhansar	Dhansar	Dhanbad.
278	Sarjug Noniya	Guruyan Noniya	Raghu Bighha	Simra	Nvinagar	Aurangabad
279	Panchu Saw	Saryu Saw	Sd-	Sd-	Dev	Aurangabad
280	Munarik Saw	Harihar Saw	Sd-	Kusunda	Kenduadih	Dhanbad
281	Bangali Singh	Banbari Singh	Chhotki Sariya	Sariya	Sariya	Giridih
282	Aanand Singh	Bhagirath Singh	Khaira Mnoram	Chiraila	Kasma	Aurangabad
283	Bhismbhar Bhagat	Bhimal Bhagat	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
284	Bijay Paswan	Devi Paswan	Chandmari Colliery	Dhansar	Dhansar	Dhanbad
285	Ramjanm Ram	Chandra Ram	Jain Bihga	Rona	Rophigang	Aurangabad
286	Ravindra Yadav	Bhagwat Yadav	Jhajha	Jhajha	Jhaja	Munger
287	Anurdh Noniya	Modi Noniya	Akbarpur	Akbarpur	Bad	Sd-
288	Munna Khaira					

1	2	3	4	5	6	7
289	Lakhan Noniya	Nankuh Noniya	Devipur	Bailiya	Chunhora	Sd-
290	Ramshiv Pasi	Ramkhelawan Pasi	Gaura	Gaura	Bigna	Sd-
291	Rasulal Gaudh	Ramchapit Godh	Kusunda	Kusunda	Kenduadih	Dhanbad
292	Dhaneshwar Noniya	Kodil Noniya	Kusma Basliha	Prariya	Simra	Aurangabad
293	Munna Noniya	Sundar Noniya	Sona	Haidarnagar	Haidarnagar	Plamu
294	Surendra Mahto	Kishun Mahto	Manitand	Dhanbad	Dhanbad	Dhanbad
295	Kpil Noniya	Magru Noniya	Kusma Basdiha	Prariya	Kutumba	Aurangabad
296	Kabutri Devi	Nashiv Chauhan	Kanauda	Haidarnagar	Haidarnagar	Plamu
297	Pravesh Ram	Mahjar Ram	Khori	Kasmo	Kasmo	Aurangabad
298	Bhola Rajak	Budhan Rajak	Gaushala More	Dhansar	Jharia	Dhanbad
299	Dharika Noniya	Ramchand Noniya	Simro Dhamki	Chainpur	Mali	Aurangabad
300	Birju Noniya	Shri Ram Prasad Chauhan	Rajku Kumhra	Husainabad	Japla	Plamu
301	Sahdev Chauhan	Devnarayan Chauhan	Monhida	Kalaphar Tendua	Kutumba	Aurangabad
302	Lalan Chauhan	Kailash Chauhan	Batov a	Karimandih	Mohammadganj	Plamu
303	Krishna Chauhan	Rambilash Chauhan	Braicha Dhanbad	Chunhtta	Nauhtta	Rohtash
304	Smt. Keshri Devi	Chauhan	Mojhida	Kala Phar Tendua	Kutumba	Aurangabad
305	Shivdant Chauhan	Ramjeet Chauhan	Sataiya Karma	Virota	Nvinagar	Aurangabad
306	Sahdev Mahto	Suresh Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
307	Suresh Pasvan	Jutos Pasvan	Banipadih	Sherghati	Shergati	Gaya
308	Bnaras Mahto	Devnath Mahto	Jalalpur	Save	Barsliganj	Navada
309	Madhu Mahto	Hira Mahto	Jalalpur	Save	Barsliganj	Navada
310	Saryug Mahto	Brahadev Mahto	Jalalpur	Save	Barsliganj	Navada
311	Bhikhari Yadav	Ramdhani Yadav	Barkidhari	Kudamluva	Roh	Navada
312	Indradev Bhuiya	Bhugeshwar Bhuiya	Subai	Shyamnagar nima	Amas	Gaya
313	Sadhu Bhuiya	Jageshwar Bhuiya	Nadhu Bigha	Khiryaya	Madanpur	Aurangabad
314	Sadi Bhuiya	Kanu Bhuiya	Brachak	Aamas	Aamas	Gaya
315	Badudev Prasad	Sd-	Khadsari	Shivsona	Jamui	Munger
316	Mahesh Prasad	Jagdeesh Pr. Chaurasya	Gopalpur	Khaipur	Jamui	Munger
317	Nathu Chauhan	Ramkisun Chauhan	Katriya	Karimandih	Mohmdadganj	Plamu
318	Shiv Chauhan	Doman Chauhan	Sd-	Raphiganj	Mohmdadganj	Aurangabad
319	Ramji Prasad.	Basudev Prasad.	Abuiya Tand.	Sariya	Sariya	Giridih
320	Ukran Bhat	Shabudhin Bhat	Sd-	Simra Bajar	Gopalpur	Gopalganj
321	Aanandi Yadav	Munarik Yadav	Sd-	Udhampur	Kasma	Aurangabad
322	Shankar Ram	Kpil Ram	Sherpur	Gurua	Gura	Gaya
323	Nepali Ram	Majhar Ram	Khalari	Kasma	Kasma	Aurangabad
324	R.B. Rajak	Prameshwar. Rojak	Gobindpur	Kasma	Kasma	Dhanbad
325	Koshari Paswan					
326	Dhanpad Pandit	Shalik Pandit	Arnabhashak	Khalari	Khaira	Munger
327	Prasad Dhobi	Digambar	Khadsari	Shivsona	Jamui	Munger
328	Baleshwar Yadav	Shanichar Yadav	Chanvara	Shivsona	Jamui	Munger
329	Tulsi Mahto	Masudan Mahto	Chanvara	Shivshona	Jamui	Munger
330	Naranyan Yadav	Tulsi Yadav	Chanvara	Shivshona	Jamui	Munger
331	Shivbalak Chauhan	Rampati Chauhan	Simri Dhavni	Chainpur	Mali	Aurangabad
332	Koshila Davi	Ramayan Noniya	Lakshaman Bigha	Kataiya	Kutuma	Aurangabad
333	Arjun Chauhan	Atwari Chauhan	Akdailpar	Gurunagar Pur	Silaw	Nalanda
334	Basanti Devi	Rajkumar Noniya	Budhva Baryama	Bulugang	Bulugang	Aurangabad

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335	Prakash Chauhan	Late Vriksh Chauhan	Budhva Baryama	Bulugang	Bulugang	Aurangabad
336	Bimal Paswan	Roshan Paswan	Dhugua	Mojak	Dhanurava	Patna
337	Madan Saw	Dhashrath Saw	Phatahpur	Jamuaarabag	Amas	Gaya
338	Brijanandan Beldar	Shiv Nandan Beldar	Sd-	Dhansar	Dhansar	Dhanbad
339	Krishna Prasad	Mathura Prasad	Navadih	Tilashar Bade Bajar	Amas	Gaya
340	Chuharmar Prasad	Ram Gahan Ram	Dihra	Muji	Karakat	Rohtash
341	Suresh Prasad	Gaunori Prasad	Makhdum Pur	Navinagar	Navinagar	Aurangabad
342	Mithitesh Kumar Singh	Dharam Singh	Chotki Sariya	Sariya	Sariya	Giridih
343	Ramanandan Chauhan	Baijnath Chauhan	Letuka	Kutuma	Bisrampur	Plamu
344	Rajdev Yadav	Ramdhani Yadav	Badak Dari	Sd-	Roh	Navada
345	Dineshwar Chauhan	Bilal Chauhan	Kaladar	Chaunhata	Nahata	Rohtash
346	Rupali Yadav	Dukhan	Dadav	Uchak	Uchak	Hazaribagh
347	Kova Chauhan	Munarik Chauhan	Kandi	Kandi	Sd-	Plamu
348	Sambhu Chauhan	Baijnath Chauhan	Letaka	Kutuma	Bisrampur	Plamu
349	Kamleshwar Noniya	Darika Noniya	Noniya Biha Dura	Durua	Japla	Plamu
350	Chandbatiya Kamin	W/o Bijay Chauhan	Budhwa Baryama	Balugang	Balugang	Aurangabad
351	Chhotan Yadav	Maheshwar Yadav	Mahadev Bigha	Odo	Hajua	Navada
352	Chandra Prasad	Late Chamuru Pandit	Arnma Vak	Khalsi	Khaira	Munger
353	Harichandra Prasad	Kismatram	Dhobi	Dhurgadih	Bikramgang	Rohtash
354	Badan Yadav	Ramdhani Yadav	Badki Sari	Kunda Bhulva	Roh	Navada
355	Uday Thakur	Phakur Thakur	Sd-	Kako	Jaynagar	Hajaribag
356	Prakash Mahato	Surendra Mahto	Dhanbad	Dhanbad	Dhanbad	Dhanbad
357	Raja Ram Chauhan	Mukhdev Chauhan	Lakshaman Bigha	Kataiya	Kutumba	Aurangabad
358	Sota Chauhan	Rampati Chauhan	Simridhamni	Chainpur	Mali	Aurangabad
359	Ramshukar Paswan	Keshwar Paswan	Taradih	Purnadih	Madanpur	Aurangabad
360	Chandan Chauhan	Ram Kishun Chauhan	Niv Govind ki	Sonadih	Baghmara	Dhanbad
361	Bal Chauhan	Sada bih Chauhan	Kalabudhan Bigha	Aonra	Aonra	Aurangabad
362	Israr Aalam	Mo Rahuk Aalam	Kachanpur	Jagdhishpur	Barun	Aurangabad
363	Mo Kamal Miya	Sd-	Sd-	Sd-	Sd-	Sd-
364	Yogeshwar Yadav	Ramkeshwar Yadav	Barvadih	Karimdih	Mohammadgang	Plamu
365	Maheshwar Prasad	Kishmat Ram	Ghana	Dhurgadih	Bikramgang	Rahtash
366	Bajnath Noniya	Shukar Noniya	Narola	Bal	Ubra	Aurangabad
367	Anga Bhuiya	Ramdev Bhuiya	Baniya	Madanpur	Madanpur	Aurangabad
368	Madan Paswan	Kamaldev Paswan	Sherpur	Gurua	Gurua	Gaya
369	Laldev Khaira					
370	Ramkhelawan Prasad	Bhudhan Prasad	Parsabad	Bardi	Bardi	Hajaribag
371	Balkishun Pashwan	Kameshwar Pashwan	Khankhna	Karma Pandi	Raphigang	Aurangabad
372	Sahdev Sav	Sukhi Sav	Lakhi Saray	Lakhi Saray	Lakhi Saray	Munger
373	Brijnandan Prasad	Jnani Ran	Sd-	Sanjhauli	Sanjhauli	Rohtash
374	Bimlesh Prasad	Radheshyam Prasad	Mahuyari	Makhra	Barun	Aurangabad
375	Ramadhesh Prasad	Tilu Tyare Prasad	Gamhariya	Amash	Amash	Gaya
376	Rasba Yadav	Budhan Yadav	Kala Dhar	Uchak	Uchak	Hajaribag
377	Banli Yadav	Nathu Yadav	Toiya	Salhara	Choparan	Hajaribag
378	Naresh Prasad Khaira	Surenda Prasad	Dhanbad	Dhanbad	Dhanbad	Dhanbad
379	Budheshwar Prasad	Ramdin Prasad	Badki Ganv	Sundragang	Bauru	Aurangabad
380	Rajendra Prasad	Chaube Prasad	Badka Ganv	Sundragang	Bauru	Aurangabad

1	2	3	4	5	6	7
381	Ganori Prasad	Kailuray	Chapra Sahalanpur	Sd-	Samastipur	Samastipur
382	Ramchandra Chauhan	Mangal Chauhan	Kurma Budhan Bigha	Aobra	Aobra	Aurangabad
383	Arjun Rabidas	Bhunesvi Rabidas	Janghira	Barachato	Barachato	Gaya
384	Savili Kamin	Rameshwar Beldar	Sd-	Kusunda	Kendua Area	Dhanbad
385	Kripali Kumar	Basdev Chaurasya	Dhanbad	Dhanbad	Dhanbad	Dhanbad
386	Raghunandan Ram	Samir Ram	Digghi Bola gang	Buraru Digghi	Koch	Gaya
387	Jangi vishvkarma	Ramyad vishvkarma	Kanchanpur	Kashipur	Barun	Aurangabad
388	Bhopali Singh	Chhorika Singh	Nado	Aagiaan Bajar	Aagiaan Bajar	Bhojpur
389	Ramanand Paswan	Madhraj Paswan	Sd-	Jamua	Sangrampur	Munger
390	Rambalak Dhadi	Krit dhadi	Maliva	Badki Molva	Sarvra	Sd-
391	Ramlal Mahto	Ram Dhati Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
392	Bigul Mahto	Ramdhani Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
393	Bajrangi Mahto	Jageshwar Mahto	Manjhauli Khaira	Udham Pur	Kasma	Aurangabad
394	Bahadur Bhuiya	Saryug Bhuiya	Dhira	Dhira	Halsi	Munger
395	Saman Bhuiya	Jethu Bhuiya	Dhira	Dhira	Halsi	Munger
396	Kelu Dhadi	Kailash Dhadi	Ankarpur	Dokesb	Sepur	Munger
397	Lakhan Prasad	Gobind Prasad	Nagar Keskari	Keshwari	Sariya	Giridih
398	Devchandra Chaudhari	Ramda Chaudhari	Kharauna	Nagdih Pnari	Hantar Gang	Hajaribag
399	Ramjeet Rajvanshi					
400	Mahendra Prasad	Chamal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
401	Arjun Paswan	Somaru Paswan	Kharvada	Kunda	Aurangabad	Aurangabad
402	Ajeet Baai					
403	Devnandan Noniya	Ramchandra Noniya	Kanoda	Haidarnagar	Haidarnager	Plamu
404	Ajay Prasad	Dhashrath Prasad	Bumer	Barachati	Barachati	Gaya
405	Baban Prasad	Jagdeesh Prasad	Thakur Bari Tola	Sariya	Sariya	Giridih
406	Manikchandra Chauhan	Rambilash Chauhan	Kusma Basdiha	Prariya	Kutumba	Aurangabad
407	Naranyan Chauhan	Saheram Chauhan	Lomolap Gamhriya	Navinagar	Navinagar	Aurangabad
408	Ramjit Prasad	Jawahar Prasad	Khairamanorath	Khairamanorath	Chirala	Kasama
709	Ramdhani Yadav	Sd-	Mopavpur	Sd-	Lalgang	Baliya
410	Abdhesht Yadav	Kailash Yadav	Badki	Kunda Bhaluv	Roh	Navada
411	Prameshwar Prasad	Jnani Ram	Bagaiya	Sanjholi	Sanjholi	Rohtash
412	Sadhu Chauhan	Rajkumar Chauhan	Kanauda	Haidarnagar	Haidarnagar	Plamu
413	Suthir Kumar	Narayan Das				
414	Laldev Yadav	Rampati Yadav	Sd-	Sd-	Sd-	Giridih
415	Nidev Kumar	Gobind Sav	Lakhisaray	Lakhisaray	Lakhisaray	Munger
416	Pravesh Prasad	Chitamani Mandan	Chhotki Sariya	Sariya	Sariya	Giridih
417	Paniaayar Thakur	Devnarayan Chauhan	Mojheeda	Sd-	Kutumba	Aurangabad
418	Kalicharan Thakur	Ram Dev Thakur	Kanki No-4	Basjora	Loyabad	Dhanbad
419	Ramashankar Prasad	Laghu Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
420	Mahabir Yadav	Chanarik Yadav	Sd-	Udhampur	Kasma	Aurangabad
421	Shyam Pyare	Shri Tilu Pyare	Gamyriya	Aamas	Aamas	Gaya
422	Ramdhni Sav	Jodhan Sav	Kaladar	Uchak	Uchak	Hajaribag
423	Naveli Devi	Basant Chauhan	Kandi	Kandi	Kandi	Plamu
424	Tuntun Kumar	Bisun Mandal	Thakur Bari	Sariya	Sariya	Giridih
425	Karu Bhuiya	Mahabir Bhuiya	Sahrashpura	Sahrashpura	Jamui	Munger
426	Ghan Shyam Bhuiya	Bishun Bhuiya	Sahrashpura	Sahrashpura	Jamui	Munger

1	2	3	4	5	6	7
427	Raman Bhuiya	Moti Bhuiya	Dima	Jhajha	Jamui	Munger
428	Mahendra Prasad	Prasadi Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
429	Surel Prasad	Budhan Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
430	Ram Prasad	Nirmal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
431	Arjun Kumar	Nirmal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
432	Madan Yadav	Jitan Yadav	Manitad	Dhanbad	Dhanbad	Dhanbad
433	Visheshwar Rawani	Saudagar Rawani	Khadsari	Shivshona	Jamui	Munger
434	Jagarnath Prasad	Suchit Mahto	Baryarpur	Bakhtiyarpur	Bakhtiyarpur	Patna
435	Arjun Khaira	Ramchandra Rawani	Daud Nagar	Molabad	Daud Nagar	Aurangabad
436	Madna Yadav	Shabbalak Yadav	Hirapur	Dhanbad	Dhanbad	Dhanbad
437	Gulel Khaira					
438	Amir Chaudhari	Dhashrath Chaudhari	Adhuri	Shyamnagar	Aamas	Gaya
439	Suresh Prasad	Bhupar Mahto	Chandmari	Sariya	Sariya	Giridih
440	Bijay Prasad	Sanichar Prasad	Kapili	Kaplili	Sariya	Giridih
441	Binay Prasad	Koli Prasad	Chandmari	Sariya	Sariya	Giridih
442	Mohan Yadav	Satynarayan Yadav	Baniyadih	Naniyadih	Giridih	Giridih
443	Birdha Prasad.	Kamal Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
444	Devmuni Prasad	Radheshyam Prasad	Mahuyari	Makhra	Barun	Aurangabad
445	Rajendra Kumar	Soban Mandal	Chhotki Sariya	Sariya	Sariya	Giridih
446	Prabhu Prasad	Babaji Mahto	Chapra Sharanpur	Javinapur	Samastipur	Samastipur
447	Rajdev Yadav	Late Ramshrup Yadav	Kanki No-4	Basjora	Loyabad	Dhanbad
448	Dineshwar Chauhan	Rajkumar Chauhan	Kananda	Haidarnagarh	Haidarnagar	Plamu
449	Rupali Yadav	Ramshrup Yadav	Manjhauli Khaira	Udhampur	Kasma	Aurangabad
450	Kaila Chauhan	Ramlal Chauhan	Dhamni Simri	Chainpur	Mali	Aurangabad
451	Chuharmal Bishkarma	Sd-	Kathbara	Madhauna	Gurua	Gaya
452	Suresh Paswan	Khori Paswan	Diha	Diha	Pariya	Gaya
453	Mithilesh Kr. Singh	Bahapur Singh	Chhotki Sariya	Sariya	Sariya	Giridih
454	Ramanand Chauhan	Darika Chauhan	Noniya Bigha Druka	Druka	Japla	Plamu
455	Jay Chauhan	Basdev Chauhan	Ubnagar	Posma	Aurangabad	Aurangabad
456	Biredra Kr Mista	Yadunandan Mista	Sd-	Baliya	Gurua	Gaya
457	Ram Briksh Ram	Yandan Mishra	Serpur	Gurua	Gurua	Gaya
458	Darika Das	Ganpat Das	Serpur	Gurua	Gurua	Gaya
459	Kpil Mistra	Jagdeesh Mistra	Arur Pirkha	Baliya	Gurua	Gaya
460	Bachchan Das	Damodar Das	Aara	Devkuli	Uchak	Hajaribag
461	Shivnandan Das	Budu Das	Itamakhari	Kasma	Bdarphegang	Aurangabad
462	Raj Kumar Prajapati	Udeshwar Prajapati	Rajhara Kothi	Rajha	Bishmdur	Plamu
463	Raj Kumar Sav	Rameshwar Sav	Phatehpur	Jamuaarakala	Aamas	Gaya
464	Satedra Prasad	Sita Ram	Sadanandanpur	Bigha	Begusaray	Begusary
465	Khushi Yadav	Phitan Yadav	Chhotki Sariya	Sariya	Sariya	Giridih
466	Krishna Yadav	—	—	—	—	—

2. After receipt of the reference, both parties are noticed. Ld. Counsel for the workman submits that workman is not interested. to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 13/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/44/2007-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2010) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/44/2007-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 13 of 2010

Employers in relation to the management of
W.J. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri. D.K. Verma, Advocate

For the workman : Shri D.Kumar, Advocate

State : Jharkhand

Industry : Coal

Dated : 27/10/2014

AWARD

By Order No.L-20012/44/2007-IR (CM-I), dated 05/02/2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Janta Mazdoor sangh from the management of mahuda Group under Western Jharia Area of M/s BCCL for Payments of (a) wages from 08.04.2004 to 20.10.2004, (b) illegal and premature period of retirement (C) Gratuity up to the date of normal retirement and (d) fringe benefits like Attendance Bonus etc is justified and legal? (ii) To what relief is the workman concerned entitled?”

2. The case is received from the Ministry of Labour on 18.02.2010. After notice both parties appeared, the Sponsoring Union files their written statement on 01.11.2010. Thereafter the management files their written statement-cum-rejoinder on 15.06.2011. Neither evidence nor any document marked by the parties.

3. The Short point to be decided in the reference, whether the workman was allowed to retire prematurely or not.

4. The workman submits that his date of Birth is 1948 but he was asked to retire before 4 years. On the other hand the management submitted that the workman after rendering 42 years of service, he has been retired and all his dues are paid and his claim is vague. It is also submitted by the management that the workman though asked to appear before Apex Medical Board for determination of his age, he did not appear. Even he did not appear before the enquiry officer.

5. Though the management took the specific plea that the workman rendered 42 years of service, in the rejoinder filed by the workman, he without being denying the said plea, submits that he was working in the surface as office boy at the age 12.

6. It was not his plea anywhere prior to rejoinder that the workman rendered service at his 12th years of age. Hence the plea of the workman is not acceptable and he is rightly superannuated.

7. Considering the facts and circumstances of this case, I hold that the demand of Janta Mazdoor Sangh from the management of mahuda Group under Western Jharia Area of M/s BCCL for Payments of wages from 08.04.2004 to 20.10.2004, illegal and premature period of retirement, Gratuity up to the date of normal retirement and fringe benefits like Attendance Bonus etc is not justified and not legal, Accordingly he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 63/2005) को

प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/19/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/19/2005-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 63 of 2005

Employers in relation to the management of
Kusunda Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri. D.K.Verma, Advocate

For the workman : Shri K. N. Singh, Rep.

State : Jharkhand Industry : Coal

Dated : 14/10/2014

AWARD

By order No.-L-20012/19/2005 IR-(C-I), dated. 19/07/2005 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Simlabahal Colliery of M/S BCCL in dismissing sri Muneshwar Bhuia M/Loader from the service of the company w.e.f 06.01.2004 is justified? If not, to what relief is the concerned workman entitled?”

2. The case is received from the Ministry of Labour on 22.08.2005 After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 20.07.2006. The management files their written statement on 05.08.2010. The point involved in the reference is that the workman has been dismissed from his service on absenteeism.

3. During preliminary hearing it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for 10 years. It is felt to give another chance to the workman to serve.

4. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee. But the workman be kept under probation for the period two year and his performance report be given to the under signed. Therefore the question of back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 60/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/3/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/3/2005-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 60 of 2005

Employers in relation to the management of
Joyrampur Colliery M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K.Verma, Advocate

For the workman : Sri Pintu Mondal

State : Jharkhand Industry : Coal

Dated : 16/10/2014

AWARD

By order No. L-20012/3/ 2005-IR (C-1) dated 19/07/2005, the central Government in the Ministry of

Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Joyrampur Colliery in dismissing Sh. Sudam Ravidas, Miner Loader from service w.e.f. 22/05/2002 is justified whereas he had already expired on 10/05/2001? If not, whether the demand of Jharkhand Janta Mazdoor Union that Smt Chapala Devi, widow of the deceased workman be given employment under the provisions of NCWA is justified? If so, what orders are necessary in this regard and to what other relief, if any, the workmen or his dependents is /are entitled?”

2. This Case is received from the Ministry on 22.08.2005. After receipt of the reference, both parties are noticed. During the pendency of the case Sponsoring Union, praying that the workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 46/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/275/2004-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/275/2004-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

Ref. No. 46 of 2005

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Employers in relation to the management of
P.B. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K. Verma, Advocate

For the workman : Sri N.G. Arun, Rep.

State : Jharkhand

Industry : Coal

Dated : 17/10/2014

AWARD

By order No. L-20012/275/2004-IR (C-1) dated 02/06/2005, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of the management of BCCL, PB Area to stop payment of ‘Other Allowances’ (for empty tub pushing loosemanship, Material lowering, Rope pulling and Tipper and Tipper Allowance) to the Trammers is justified in view of the duties of Trammers as prescribed by NCWA? If not, to what relief are the workmen entitled? What other orders, if any, are required in this regard?”

2. This Case is received from the Ministry on 18.07.2005. After receipt of the reference, both parties are noticed. During the pendency of the case Sponsoring Union, praying that the workman is not interested to contest the case, It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 45/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/23/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2011) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/23/2011-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

Ref. No. 45 of 2011

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Employers in relation to the management of
P.B. Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K.Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal

Dated : 15/10/2014

AWARD

By order No. L-20012/23/2011-IR (C-1) dated 02/09/2011, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of the management of P. B. Area of M/s. BCCL in not regularizing Sri Jagmohan Rajak as Tyndel Jamadar is justified and fair? To, what relief the workman concerned is entitled to?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2014

का.आ. 3142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 5/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 1-12-2014 को प्राप्त हुआ था।

[सं. एल-20012/205/2003-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st December, 2014

S.O. 3142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/

2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 01/12/2014.

[No. L-20012/205/2003-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A)
of I.D. Act, 1947

Ref. No. 5 of 2004

Employers in relation to the management of
Kustore Area M/s. BCCL

AND

Their workmen

Present : Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Sri D.K.Verma, Advocate

For the Workman : Sri Manas Chatterjee, Rep.

State : Jharkhand Industry : Coal

Dated : 16/10/2014

AWARD

By order No.-L-20012/205/2003 IR-(C-I), dated. 24/12/2003 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Kustore Area in terminating the Service of Sri Arjun Rajwar, Miner Loader w.e.f 13.8.97 is justified? If not, to what relief is the workman entitled?”

2. The case is received from the Ministry of Labour on 02.01.2004 After receipt of reference, both parties are noticed. The Sponsoring Union files their written statement. The point involved in the reference is that the workman has been dismissed from his services on absenteeism.

3. During preliminary hearing it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for 17 years. It is felt to give another chance to the workman to serve.

4. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee. But the workman be kept under probation for a period one year and his performance report be given to the under signed. Therefore the question of back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

SCHEDULE

का.आ. 3143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/414/2002-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 15/2003 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Benjemehari Colliery, M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/414/2002 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 15 OF 2003

PARTIES: The management of
Benjemehari Colliery, ECL

Vs.

Smt. Bechia Devi

REPRESENTATIVES:

For the management : Sri P. K. Das, Ld. Advocate

For the union : Sri Rakesh Kumar, General
(Workman) Secretary, KMC**INDUSTRY:** COAL **STATE:** WEST BENGAL

Dated - 07.08.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/414/2002-IR(CM-II) dated 10.07.2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

"Whether the action of the management of Benjemehari Colliery of ECL in not providing employment to Smt. Bechia Devi, W/o Late Lakhan Chouhan is legal and justified? If not, to what relief she entitled?"

Having received the Order NO. L-22012/414/2002-IR(CM-II) dated 10.07.2003 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 15 of 2003 was registered on 21.07.2003. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

The dependent of the workman has stated that in his written statement that Late Lakhan Chouhan was a permanent employee of Benjemehari Colliery under Salanpur Area of M/s. ECL designated as Tyndal. Sri Lakhan Chouhan died on 24.05.1995 while he was on the role of the company. That as per provision of Wage Agreement / NCWA one dependent of the deceased employee is entitled to get the employment. Accordingly wife of Late Lakhan Chouhan applied for providing employment and submitted all required documents for providing employment. Management did not proceed the employment proposal on the plea that they had dismissed Late Lakhan Chouhan on the ground of absenteeism on 08.03.1996. During conciliation proceedings management stated that the name of Late Lakhan Chouhan was deleted from the roll of the company as he was absenting from 16.05.1995, so employment can not be given to the dependent. The management should produce the dismissal approval of the competent authority as per the statement of the management, the workman absented from duty w.e.f. 16.05.1995 but the workman Late Lakhan Chouhan died on 24.05.1995. Late Lakhan Chouhan died while he was in service/role of the company. If there was any dismissal order, then, it was after the death of Late Lakhan Chouhan. Therefore as per NCWA agreement one dependent of deceased employee was entitled for employment in the Colliery. Wife of Late Lakhan Chouhan along with children does not have any source of income. She is at the stage of starvation. She is entitled for employment because Late Lakhan Chouhan died while he was in service, therefore as per wage agreement NCWA-V, the management is bound to provide employment to the dependent of the deceased. Smt. Bechia

Devi is illiterate and ignorant of the rules and regulations of the company. She has claimed for employment in place of her husband but management not heard.

The management in spite of the opportunity given by the tribunal has not filed written statement.

Smt. Bechia Devi has examined herself as witness. 12 Xerox copies of documents have been filed by the union. Management has not filed any documentary of oral evidence in their support.

I have heard the argument of Sri Rakesh Kumar on behalf of the union/workman and Sri P. K. Das Ld. Advocate on behalf of the management.

Sri P. K. Das argued that the reference is misconceived; union has not challenged the dismissal order. Dismissal order is correct. Therefore Smt. Bechia Devi wife of Late Lakhan Chouhan is not entitled for employment. On the other hand Rakesh Kumar had argued that deceased Lakhan Chouhan died on 24.05.1995, he was absent from 16.05.1995. Neither any enquiry has been conducted nor any copy of enquiry report or dismissal order furnished to the dependent of the deceased Lakhan Chouhan. If there had been an enquiry, the management would have given the copy of enquiry report and dismissal order. Late Lakhan Chouhan died while in service therefore as per NCWA agreement wife of deceased Smt. Bechia Devi entitled for employment in place of deceased Late Lakhan Chouhan.

It is not disputed that Late Lakhan Chouhan was a ex-permanent employee of Benjemehari Colliery. The death report of Late Lakhan Chouhan has been filed on record by the union. Dr. Masood Alam has certified on 24.05.1995 that Sri Lakhan Chouhan died at 07:00 a.m. Moreover death certificate of Late Lakhan Chouhan issued on 03.07.1997 has been filed on record. Death certificate has been issued by government department and certified that his death occurred on 25.05.1995.

It is unpleasant surprise that the Tribunal afforded several opportunities to the management for filing written statement from 10.11.2004 to 05.06.2013. Tribunal has afforded opportunities to the management on 30 dates. But in spite of that management did not care to tender their written statement. It is very shocking state of affair that the management has not filed the enquiry report and dismissal order of deceased Lakhan Chouhan, on basis of which the deceased employee was dismissed. The Xerox copy of the letter of Dy. CME of Benjemehari Colliery addressed to the ALC, Asansol dated 20.06.200 has been filed by the union. In that letter office of the management has narrated that the service of Late Lakhan Chouhan was terminated on and from 08.03.1996 on long absenteeism ground. If there was any dismissal order,

then naturally before passing the dismissal order there ought to be had been a departmental enquiry against the deceased workman. It is evident from the record that the charge sheet was issued to Late Lakhan Chouhan on 16.06.1995 after his death, but there is no explanation of deceased workman by the management.

But why the enquiry report is not submitted on the file of the Tribunal, the reason is best known to the employer. Though Rakesh Kumar on behalf of the union/workman had argued that in spite of request, management has not provided the enquiry report because no enquiry was held. No enquiry can be held against a dead person.

Domestic enquiry in Industrial Law has acquired great significance and Industrial adjudication attaches considerably importance to such enquiry. In number of cases, the hon'ble Supreme Court has observed that an enquiry is not an empty formality, but an essential condition to the legality of the disciplinary order. In other words before the delinquent workmen can be dismissed for misconduct, the employer shall hold a fair and regular enquiry into the misconduct. Dismissal without holding a regular enquiry would be an illegality. It is well settled that disciplinary enquiry has to be a quasi-judicial enquiry. It should be held according to principles of natural justice and Enquiry Officer has a duty to act judicially into enquiry of misconduct. If charges of misconduct are proved, will result not only in deprivation of livelihood of the workman, but also attach stigma to his character. The disciplinary enquiry is only for the purpose of establishing the guilt of a particular workman. If the foundation has not been properly led, then edifice can't remain.

In order to able to take part in enquiry the charged workman must have notice of the date, time and place of enquiry. Even if the workman fails to submit his reply to the charge sheet the Enquiry Officer is not absorbed from his duty to send the notice to the delinquent workman informing him about the date, time and place of enquiry which would enable him to produce his witness and cross-examine the witness against him.

Industrial Employment (standing orders) Act, 1946, rule 17 (1) prescribes that if the workman is continuous absent without permission and without satisfactory cause for more than 10 days, disciplinary proceeding against act of misconduct can be held. Subsection 2 prescribes that unless workman concerned is informed of the alleged misconduct and opportunity is provided to the workman to explain the allegation, then only departmental enquiry can be held. The workman is absent from 16.05.1995 he died on 25.05.1995 his absence was only for 9 days i.e. less than 10 days. Therefore according to Industrial Employment (standing orders) Act, 1946, there was no

need to conduct the enquiry against the workman because the absence of the workman is less than 10 days. But even if any departmental enquiry was held, it ought to have been held following the rules of natural justice.

If before issuing the charge sheet the workman was no more alive then how it could have been possible to proceed with departmental enquiry. Enquiry Officer did not take care of serving the notice to the deceased workman. If the Enquiry Officer had taken care to serve the notice upon the delinquent deceased workman he surely would have known about the death of the delinquent workman. Due to this lacuna the enquiry report and dismissal order has not been filed before the Tribunal.

As per NCWA agreement the copy of which filed by the union there was memorandum of agreement between management and union. As per the para 9.3.0, 9.3.2 and 9.5.0 of the agreement the management has to provide to one dependent of the deceased workman. In case of female the age of female should be under 45 years.

The Xerox copy of service record of Late Lakhan Chouhan has been filed. As per record of ECL the date of birth of Late Lakhan Chouhan is 1937. He died in 1995 i.e. on the date of death his age was 58 years which is less than 60 years, before the date of superannuation. The copy of family composition of Smt. Bechia Devi date 31.03.1998 has been filed. The age of Smt. Bechia Devi as per his document is 40 years. She is less than 45 years. Therefore on the death of deceased workman his wife Smt. Bechia Devi was eligible for employment as per agreement of the management.

In view of this matter I think it just and proper to modify and substitute the same by exercising the power u/s II (a) Industrial Dispute Act 1947. The order of the dismissal of deceased workman Late Lakhan Chouhan is hereby set-a-side and it is hereby directed to provide employment to Smt. Bechia Devi widow of Late Lakhan Chouhan in place of Late Lakhan Chouhan who died while he was in service.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 97/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/363/1998-आई आर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No.97/1999 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of J.K. Ropeways of M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/363/1998 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 97 OF 1999

PARTIES: The management of J. K.
Ropeways of M/s. ECL
Vs.
Sri Amla Zamadar

REPRESENTATIVES:

For the management: Sri. P.K. Das Ld. Adv.

For the union Rakesh Kumar, President of
(Workman): the union

INDUSTRY: COAL STATE: WEST BENGAL

Dated - 10.09.14

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/363/98-IR(CM-II) dated 07.07.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of General Manager, ECL, J. K. Ropeways, Po: Kajoragram,

Distt: Burdwan in denying reinstatement to Sh. Amla Zamadar is legal and justified? If not, to what relief the workman concerned entitled?"

Having received the Order of Letter No. L-22012/363/98-IR(CM-II) dated 07.07.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 97 of 1999 was registered on 23.07.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The case was fixed for put up on 22.10.2014 but put up on 01.09.2014 on the basis of a petition filed by Sri Rakesh Kumar, President of the union.

In the petition Sri Rakesh Kumar prays to close the case and to pass a "No Dispute Award" as the workman is no more interested to proceed with the case further. Since the workman has no interest to proceed with the case further, I think it reasonable to close this old case. As such the case is closed and accordingly an order of "No Dispute Award" is hereby passed.

ORDER

Let an "Award" be and the same is passed as "No Dispute" existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 30/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/374/1999-आई आर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/2000 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Parascole Colliery,

M/s. ECL, and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/374/1999 - IR(CM-II)]

B.M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 30 OF 2000

PARTIES: The management of Parascole
Colliery of M/s. ECL

Vs.

Shri Bijan Kumar Bhattacharjee

REPRESENTATIVES:

For the management: Sri. P.K. Das Ld. Adv.

For the union (Workman): None

INDUSTRY: COAL STATE: WEST BENGAL

Dated - 11.09.14

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its Order No. L-22012/374/99-IR(CM-II) dated 29.02.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Parascole Colliery of M/s ECL in dismissing Sh. Bijan Kumar Bhattacharjee, Sr. overman from service is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order of Letter No. L-22012/374/99-IR(CM-II) dated 29.02.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 30 of 2000 was registered on 13.03.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) of this Tribunal had reserved an award in this case because the workman neither appeared nor took any step since 2007. It seems that the workman is now no more interested to proceed with the case further. The case is also too old - in the year 2000. As such the case is closed and accordingly an order of "No Dispute Award" is hereby passed.

ORDER

Let an "Award" be and the same is passed as "No Dispute" existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for needful information. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एमसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 34/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 2-12-2014 को प्राप्त हुआ था।

[सं. एल-22012/94/2010-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 34/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Ib Valley Area MCL, PO Brajrajnagar and their workmen, received by the Central Government on 02/12/2014.

[No. L-22012/94/2010 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT BHUBANESWAR

Present : Shri Pradeep Kumar, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 34/2011

L-22012/94/2010-IR(CM-II), dated 23.06.2011

Date of Passing Award – 10th of November, 2014

Between:

1. The General Manager,
Ib Valley Area MCL, Po. Brajrajnagar,
Dist. Jharsuguda,

2. The Director Personnel,
Mahanadi Coalfields Ltd.,
Jagruti Vihar, Burla, At./Po. Burla,
Dist. Sambalpur ...1st Party-Managements

(And)

Their workman represented through the
Area Secretary, Ib Valley Area MCL,
G.M. Complex, Orissa Collieries Mazdoor Sangh,
At./Po. Brajrajnagar, Dist. Jharsuguda ...2nd Party Union

Appearances:

None : For the 1st Party-Managements.

None : For the 2nd Party-Unions.

AWARD

This reference was received in this Tribunal on 11.7.2011. The 2nd party-Union was required to file the statement of claim in pursuance of the order of reference dated 23.06.2011 within fifteen days from the date of receipt of the order of reference. But on failure of the 2nd party-Union to file the statement of claim, a notice was issued to it on 04.08.2011 by ordinary post. When the 2nd Party-Union did not respond to the notice and filed no statement of claim by the date fixed, a second notice under registered post was issued to it on 07.10.2011 to appear and file the statement of claim at Sambalpur Camp Court. But despite receiving the two notices, the 2nd party-Union neither turned up in the Tribunal nor taken any step to file the statement of claim. In order to provide ample opportunity to the 2nd Party-Union to appear and to file statement of claim another three notices, one through ordinary post on 31.7.2014 and two through registered post i.e. on 8.2.2012 and 10.9.2014 were issued to him. But, till today the 2nd Party-Union has not filed any statement of claim. Therefore it appears that either the 2nd Party-Union has lost interest in prosecuting its case or might have settled the dispute with the Managements amicably out of the court. In absence of any pleadings raised by the 2nd Party-Union no adjudication of dispute can take place.

2. Under the above circumstances this Tribunal is of the view that a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2014

का.आ. 3147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग, बिलासपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ

संख्या सीजीआईटी/एलसी/आर/37/00) को प्रकाशित करती है जो केन्द्रीय सरकार को 2-12-2014 को प्राप्त हुआ था।

[सं. एल-40012/313/99-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 2nd December, 2014

S.O. 3147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. CGIT/LC/R/37/00) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department, Bilaspur and their workmen, received by the Central Government on 02/12/2014.

[No. L-40012/313/99-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/37/00

Shri Nageshwar Rao,
S/o Shri Sudha Rao Jadhav,
Nr. Shiv Hanuman Mandir,
Tilaknagar, Bilaspur ...Workman

Versus

Telecom District Manager,
Telecom Department,
Bilaspur ...Management

AWARD

(Passed on this 10th day of November, 2014)

1. As per letter dated 27-1-2000 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No.L-40012/313/99-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Telecom District Manager, Telecom Department, Bilaspur in terminating the services of Shri Nageshwar Rao, Driver w.e.f. 16-3-99 is legal and justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to parties. Ist party workman filed statement of claim at page 3/1 to 3/2. Case of workman is that from 1-7-93, he was appointed as Driver with IInd party. His service record

was excellent. On 16-3-99, he was transferred to Korba. He expressed his inability to go to Korba. Thereon his services were orally terminated by IInd party without notice. He was not paid retrenchment compensation. Termination of his service is in violation of Section 25-F of I.D. Act. Instead of regularization, his services after six months, he was kept temporarily for long period. On such ground, workman prays for his reinstatement with consequential benefits.

3. IInd party filed Written Statement denying workman was continuously working as Driver from 1-7-93. That appointment of casual labour are banned from 1985. Workman was never engaged by management. There was no question of transfer of workman to Korba. There was no question of regularization of his service. Workman was not retrenched by IInd party. On such ground, IInd party prays for rejection of claim.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

- | | |
|---|--|
| (i) Whether the action of the management of Telecom District Manager, Telecom Department, Bilaspur in terminating the services of Shri Nageshwar Rao, Driver w.e.f. 16-3-99 is legal and justified? | Termination of service of workman by IInd party is not proved. |
| (ii) If not, what relief the workman is entitled to?” | Workman is not entitled to any relief. |

REASONS

5. Though workman is challenging termination of his service for violation of Section 25-F of I.D. Act, he has failed to participate in reference proceeding. IInd party filed affidavit of its witness Silbanus Xalxo supporting contentions in Written Statement of IInd party. His evidence remained unchallenged. Workman remained absent and failed to cross-examine management's witness. I find no reason to discard evidence of management's witness. Workman failed to substantiate his contentions, termination of his services by management is not established. Accordingly I record my finding in Point No.1.

6. In the result, award is passed as under:-

- (1) The termination of services of workman by management is not established.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

AWARD

का.आ. 3148.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयल इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 09/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-30012/22/98-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 09/2014) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil India Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-30012/22/98-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GUWAHATI, ASSAM.**

Present : Shri L.C.Dey, M.A., LL.B.
Presiding Officer,
CGIT-cum-Labour Court,
Guwahati.

Ref. Case No. 09 of 2014

(Arising out of Ref. Case No.15(c)/99
of Industrial Tribunal, Assam, Guwahati.)

In the matter of an Industrial Dispute between :-

The workmen represented by General Secretary, Oil Man
Management Drilling Workers' Union, Duliajan, Assam

.....Claimant/workman.

-Vs-

The Management of Oil India Ltd. Duliajan, Assam &
M/s. Delthech India (P) Ltd., Guwahati.

.....O.P/Management.

APPEARANCES

For the Workman : None Appeared.

For the Management : Mr. S.N. Sarma,
Sr. Advocate.
Mr. A.Jahid, Advocate

1. This Reference has been initiated on an Industrial Dispute raised by General Secretary, Oil Man Management Drilling Workers' Union Duliajan, Assam against the management of Oil India Ltd, Duliajan, Digboi for regularisation the service of the workers engaged through Oil India Registered Contractors; which was referred to the Industrial Tribunal, Guwahati, Assam vide Ministry's Order No. L-30012/22/98-IR(M), dated 08.06.1999 for adjudication. The schedule of this reference is as under:

SCHEDULE

"Whether the claim of the union (contractual workers' union) for regularisation of their service in Oil India Ltd. (contract workers engaged through Oil India Registered contractors) is justified? If not, to what relief these contractual workers are entitled?"

2. Accordingly the learned Presiding Officer, Industrial Tribunal, Guwahati, Assam registered reference case No.15(C)/1999 and issued notice upon both the parties. Both the parties submitted their respective written statement and the Additional W.S. along with the documents. The management along with their W.S. submitted petition for framing the preliminary issue regarding maintainability of the instant reference. While the learned Presiding Officer, Industrial Tribunal, Guwahati after hearing both the sides rejected the prayer for framing preliminary issue & decided to decide the reference on merit vide order dated 27.3.2000. Being aggrieved & dissatisfied with the order dt. 27.3.2000 the Management preferred a Writ Being W.P.(C) 5740/2000 before the Hon'ble Gauhati High Court which remanded the matter to the Tribunal for deciding preliminary issue vide order dt. 1.8.02. In the mean time a corrigendum was issued by the Ministry of Labour, Government of India vide their No. L-30012/22/1998-IR(M) dated 12.5.2003 amending the Schedule which reads as follows :

" Whether the claim of the Union for regularisation of workmen mentioned in the list attached in Oil India Ltd. is justified? If so, what relief those workmen are entitled to?"

The learned Presiding Officer, Industrial Tribunal, Guwahati, Assam upon hearing both the sides quashed the corrigendum on the ground that the corrigendum of the Schedule is completely different which superseded the first reference vide his order dated 10.6.2005 in reference case No. 15(C)/99. Upon hearing both the sides the learned Presiding Officer has framed the preliminary issue on the maintainability of the reference & examined one witness each from both the sides and on completion of hearing of both the parties passed an Award dated 26.9.2005 deciding the preliminary issue in negative.

3. On being aggrieved and dissatisfied with the award dated 26.9.2005 passed by learned Industrial Tribunal,

Guwahati, Assam the union preferred Writ before the Hon'ble High Court being W.P.(C) No. 265/07. The Hon'ble High Court vide their order dated 29.5.2014 after hearing both the sides remanded the reference setting aside the Award dated 26.9.05 with direction to this Tribunal to hear the parties and to pass a judgment in accordance with the law on the basis of the materials on record within a period of 3 months from the date of the appearance of the parties. On receipt of the record along with the order of the Hon'ble Gauhati High Court as mentioned above, notices were issued upon both the parties. The Management appeared through their learned Advocate Mr. S.N. Sarma, Sr. Advocate assisted by Mr. A.Jahid while the Union did not appear and the notice issued upon the Union returned without service with the remarks of the Postal Authority as "non known". Thereafter notice was issued against the learned Advocate for the Union Mr. A. Dasgupt, learned Sr. Advocate, Guwahati who on receipt of the notice through his learned junior Advocate Mr. A. Kundu submitted petition stating that the Union have not engaged him. From the order of the Hon'ble Gauhati High Court dated 29.5.2014 passed in W.P.(C) No.265/07 it appears that Mr. A.Dasgupta, learned Sr. Advocate appeared on behalf of the Union and both the parties contested the case before the Hon'ble High Court. Considering the above circumstances and having regard to the order of the Hon'ble High Court with direction to dispose of the reference within 3 months from the date of appearance of the parties/their counsel; finding the Union/their learned Counsel not inclined to appear before this Tribunal, I have heard the management ex-parte and accordingly this reference is going to be disposed of in the light of the order of the Hon'ble High Court.

4. The case of the Union as it reveals from the claim statement submitted by them, in brief, is that the workers Union namely Oil Man Management Drilling Workers Union which is registered under Trade Union Act having its registered office at Kumudnagar, Duliajan, District-Dibrugarh and there were 67 numbers of workers and all of them being contract labourers had been engaged in drilling operation of different Oil field of Oil India Ltd. In order to explore Oil the Company has to install rig in a particular oil field to extract crude oil and these rigs are to be installed by the workers involved in this reference, and the jobs performed by the concerned workers are of perennial in nature. After collection of the crude oil, the process of refining started in different oil refineries. The workers involved in this case are engaged for installation of rigs which is a specialized job and the persons who are engaged in this operation are to be selected by the Company which requires to hold an interview in this regard by the management if the company consider that these persons to be employed by the contractor are suitable for the job assigned to them they can be engaged by the contractor; and in fact, the contractor has no control to engaged any contract labourer for the job

assigned to the contractor. Since the operation of installation of rigs are directly supervised by the Technical experts like engineers and other persons of the Company and the contractor has nothing to do with this job. It is also mentioned that similar type of job are also being performed by the regular employees of the company and at present there are about 12 Oil fields where the company is carrying out the job of exploration of crude oil by way of drilling as stated above. As such, it is a fit case where the engagement of contract labourers is prohibited. As the contract between the contractor and the company is an illusory contract, and all the contract labourers are to be selected by the principal employer. The sole purpose of the show of engagement of contract labourers is to deprive the contract labourers to have their regular scale of pay as being paid to the regular employees of the Company. The category of jobs performed by concerned workers are Assistant Driller, Electrician, Heavy Crane Operator, Pipeline Fitter, Rig Fitter, Welder, Pump Fitter etc.

Further contention of the Union is that the contract labourers deserve to be regularized in the service of the company by abolishing or prohibiting the engagement of contract labour system for which the Union approached before the Assistant Labour Commissioner (C) whereupon the conciliation proceeding took place but the company declined to consider these employees as their employees and accordingly an FOC was submitted by the Assistant Labour Commissioner (C) before the Central Government with recommendation that the Central Government to take necessary step for abolishing of engagement of contract labourers in the jobs performed by the concerned workmen of this reference. Thereafter this reference was made by the appropriate government. It is mentioned that the workmen have been engaged for a period of 5 to 10 years continuously on being selected by the Company and the contractor have been shown to have changed from time to time but the contract labourers remain the same performing the same nature of job; and for all purpose these labourers are to be considered as the employees of the Company. The contractor has nothing to do but they used to receive some commission for purported supply of contract labourers, notwithstanding the fact that these labourers are directly engaged by the company. As such, the system adopted by the management is absolutely illegal, it should be discouraged and discontinued and all the employees involved in the jobs as stated above are to be considered as regular employees of the company. Hence, the Union prayed for passing award declaring that the workmen involved in this reference are regular employees of the Oil India Ltd. and they are entitled to have the regular scale of pay as being paid to the regular employees for these jobs from the date of their engagement.

5. The pleadings of the management of Oil India Ltd, in nutshell, is that the order of reference u/s 10 of the I.D. Act is illegal, incompetent and without jurisdiction as

there is no provision of referring any dispute under the Contract Labour (Regulation & Abolition) Act, 1970 as the concerned workmen are employed by the contractor namely M/S Deltech(I) Pvt. Ltd. ; and hence, the question of regularisation of service of the said contractual labourers by the principal employer does not arise and as such, the impugned order of reference itself is bad and liable to be rejected as it is not maintainable. The service condition of the contractual labourers are covered by contract Labour (Regulation & Abolition) Act, 1970 and the rules framed there under, and there is no master servant relation between the concerned workmen and the management of the Oil India Ltd. as such, the question of regularisation by the management of Oil India Ltd. does not arise. It is also settled position of law that appointment of contract labourer can be prohibited only by the Appropriate Government by abolishing the contract labour system under Section 10 of the Act; and their being no such notification abolishing the contract labour system the present reference is not maintainable and the same is liable to be rejected. The management also submitted that a preliminary point regarding the maintainability of the instant reference may be framed and the same should be decided first. However, if the said preliminary point is decided against the management the management may be allowed to file additional written statement and to decide the reference on merit. The management accordingly filed additional W.S. on two occasions on 13.12.99 and 25.9.03 stating, inter-alia that the dispute has been raised by the contractual workers Union and not by the Oil Man Management Drilling Workers Union and hence, the written statement filed by the Union can not be taken into consideration in the instant reference. The management denied the statement made in the written statement submitted by the workmen except those which are specifically admitted by them. The management contended that it is admitted by the Union that they are all contract labourers and the list of members which was once submitted to the management by the said union will also show that all these 67 contract workers are employees of M/S Deltech (I) Pvt. Ltd. which is a company registered under the Company's Act has got its separate identity. The exploration, drilling operation of oil wells are given in contract to various contractors, and if crude oil is found then the job of the contractor comes to an end. It is also mentioned that generally the contracts are made for a period of 2 years which may extend for further period of 1 year. However the management denied that the workmen involved in this reference engaged for installations of rigs and in fact the management has a contract with M/S Deltech (I) Pvt. Ltd. which was executed on 12.7.95 and the contract labourers involved in the instant case are the employees of the said Deltech (I) Pvt. Ltd. and has got no master servant relationship with the management of Oil India Ltd. The management denied the statement of the workman that they were selected by the Company; that involvement of the contract labourers are taken by the management; that

the contractor has no control to engage any contract labourer for the job assigned to them; that the contract labourer engaged by the contractor are selected by the company and that the contractor has nothing to do with the job assigned to him and that the engagement of contractor in these type of job is only to have cheap labour. The management stated that as per agreement itself the contractor must deploy tool pusher, electrical engineer, driller, Asstt. Driller, etc. for performing the assignment given to the contractors who has to inform the progress of the work assigned to him to the Engineer of the Company and the contractor is liable to pay his labourer by him at the rate of wages not less than those paid for similar works in the locality/neighbourhood subject to the stipulation under the Minimum Wages Act, Payment of Wages Act and the Mines Act. Further contention of the management is that their being no prohibitory order prohibiting the engagement of contractual labourers, the instant order of reference is illegal and is not maintainable. Accordingly a preliminary issue regarding maintainability of the reference may be framed and the same should be heard at first.

6. In view of the order dated 29.5.14 passed by the Hon'ble High Court in W.P.(C) No. 265/07 I have heard the learned Advocate for the management ex-parte since neither the Union nor their learned Advocate who was engaged earlier in the Hon'ble High Court by the Union did not turn up in spite of receiving notice as discussed above. I have also gone through the entire case record along with the documents and the evidence adduced by both the sides.

The preliminary objection raised by the management that whether the contract labourer can raised an Industrial Dispute for regularisation unless the notification u/s 10 (1) of the Contract Labour (Regulation and Abolition) Act, 1970 has been issued by the appropriate government and whether the present reference made by the appropriate Government is maintainable. The Ministry of Labour vide their order No.L-30012/22/98/IR(M) dated 8.6.99 referred the dispute in exercise of the powers conferred by Clause(d) Sub-Section(1), Sub-Section 2(A) of Section 10 of the I.D. Act, 1947, for adjudication, stating the terms of reference as follows:

"Whether the claim of the Union (contractual workers' union) for regularisation of their service in Oil India Ltd. (contract workers engaged through Oil India Registered contractors) is justified? If not, to what relief these contractual workers are entitled ?

On perusal of the pleadings as well as the evidence adduced by both the sides it is found admitted that the workmen in respect of the instant reference were contract labourers engaged through the registered contractor namely M/S Deltech (I) Pvt. Ltd. but the bone of contention of this dispute is that the Union asserted that the contract between the management and M/S Deltech (I) Pvt. Ltd. was nothing but sham contract and a mere

camouflage in order to deprive the workmen from the benefits extended to the other regular employees of the management.

7. The workmen witness No.1 Debabanda Tamuli in his evidence mentioned that he worked in S2 and S3 the Drilling operation places under Oil India where there was a Private Limited Company named M/S Deltech(I). He also said that there were altogether 67 numbers of labour under registered labour Union named Oil Man Management Drilling Workers Union in which he (W.W.1) was one of the executive member. He mentioned that they were engaged in the drilling works after holding interview by the Oil India Ltd. but their wages was paid by the Deltech(I) Pvt. Ltd. Company. They had to work for 12 hours every day and they availed rest for 15 days in a month. Their works in the drilling site was supervised by the Officer of Oil India who also issued certain instructions in discharging their duties. He added that out of total number of 12 drilling field under Oil India Ltd. in two drilling field the works were got done through the contractors and in remaining 10 numbers of Oil Field the workers of the Oil India Ltd. performed the work. The wages of the regular workers under the Oil India Ltd. was three times higher than that paid to the workmen involved in this reference but the nature of work of both the workers are same. He again mentioned that the Oil India Ltd. provide all instruments of works and they had to stay at the camp provided by the Oil India Ltd. He also stated that they has submitted many representation for abolishing the contract system and to regularize them. He has proved the approval letter in regard to the engagement of the workers in different jobs vide Exhibit-1 to Exhibit-19 (the photo copies proved under objection). He had also produced certain documents regarding instruction of works marked as Exhibit-20 to Exhibit-29 (the photo copies proved in original).

During his cross-examination the workman witness No.1 categorically admitted that Deltech(I) Pvt. Ltd. Company is a contract Company and there was 67 number of workmen including himself under the said Company. He also admitted that the documents marked as Exhibit-1 written to the Deltech(I) Pvt. Ltd. by the Oil India Ltd. in reply to Deltech (I) letter dated 14.3.97 and that Exhibit-2, Exhibit-10, Exhibit-16 and Exhibit-19 are the letters issued by the Deltech (I) Pvt. Ltd. of the Oil India Ltd. He has also proved the agreement entered into between the management of Oil India Ltd. and M/S Deltech (I) Pvt. Ltd. marked as Exhibit-A. The workman witness No.1 further admitted that at the time of their engagement no appointment letter was issued by the Deltech(I) Pvt. Ltd. nor by the Oil India Ltd. The Deltech (I) Pvt. Ltd. obtained the receipt from them at the time of paying the wages. He categorically mentioned that he did not know the name of the officer concerned who hold the interview at the time of his engagement in the Oil India Ltd. but he could not produce any document before the Court in connection with holding interview by the Management. He again

mentioned that the Deltech(I) Pvt. Ltd. got the works done through them and at the time of drilling works the engineers of Oil India Ltd. remained present at the drilling site and supervised the works as their machineries worth more than crores had been lying in the drilling site. He also admitted that in case of any mistake committed at the time of drilling works damage may cause to the drilling operation because these works are being done with sophisticated machineries. He also admitted that at the time of drilling works the Oil India Ltd. paid the money to the Deltech (I) Pvt. Ltd. according to the terms of agreement.

The management witness No.1 Mr. Malabhya Mohan Mazumder, the then Sr. Manger, IR, Oil India Ltd, Duliajan in his deposition mentioned that the workers involved in this reference are contract labourers and at the time of engagement of those workers the provision of contract labourer (Abolition and Regulation) Act, 1970 complied with and their company is registered under the said Act vide Exhibit-C. He also said that these workers worked under M/S Deltech (I) Pvt. Ltd. which entered into a contract agreement on 12.7.95 for man management contract for drilling operation vide Exhibit-A. He also added that all the terms and conditions regarding the compliance of laws, payment of wages, etc. of the contractor are mentioned in Exhibit-A and after submission of the license by the contractor, the contractor was allowed to work vide Exhibit-E.

During his cross-examination the management witness No.1 said that the present reference was made regarding job contract of drilling job and the said contract was given to the Deltech(I) Pvt. Ltd. Company. He also mentioned that the drilling site i.e. rigs were given by them and machineries were also supplied by them; and they also supervise the work after engagement of the labourer by the contractor so that the contractor engage experienced labourers. There is every chance of causing huge damage and occurrence of accident in case of engagement of inexperienced labourers for which they examined the bio data of the labourers. He categorically denied that the drilling operation is done by them and they supervised all the works of the labourers engaged in drilling operation. He also said that the drilling operation is being done in their company by their own workers and he categorically denied that they do not engage any contract labour in drilling works.

8. The evidence of both the sides as discussed above shows that it is well settled that the workmen were engaged by the contractor namely Deltech(I) Pvt. Ltd. and the wages were also paid to the workmen by the said contractor, although the works done by the workers in the rigs/oil fields under the supervision of the officer of the management. The management witness No.1 in course of his cross-examination mentioned that they supplied all the machineries of works in the drilling operation to the contract labourers and at the time of engagement of

contract labourers they ensure that the experienced labourers are engaged since non-engagement of experienced labourer might cause a huge damage to the company as well as occurrence of accident for which they scrutiny the bio-data of the labourer at the time of their engagement. He also mentioned that the drilling In-charge of the drilling site supervises the work of the contractor. The workman witness No.1 also admitted that the document marked as Exhibit-1 written to the Deltech(I) Pvt. Ltd. by the Oil India Ltd. in reply to Deltech (I) letter dated 14.3.97. The Union also admitted that before the engagement of the labourers involved in this reference an agreement was executed between the contractor and the management of Oil India Ltd. vide Exhibit-A. The Union in their W.S. mentioned that it is a fit case where the engagement of contract labourer is prohibited as the concerned workmen were engaged in perennial nature of job. Hence, the contract between the contractor and the Oil India is an illusory contract. From the schedule of reference it is found that the workmen concerned are contract labourers and as such, their service condition is covered by the Contract Labour (Regulation and Abolition) Act, 1970 and the rules framed there under but there is nothing to show on record that any notification u/s 10 (1) of Contract Labour (Regulation and Abolition) Act, 1970 issued by the appropriate Government prohibiting the management from engaging contract labourers. Thus it is clear that the workmen involved in this reference are not the direct appointee of the management but they are engaged by the contractor and hence, they are not the workmen within the meaning of Section 2(s) of the I.D. Act.

The Contract Labour as defined in Section 2(i) of Contract Labour (Regulation and Abolition) Act, 1970 as follows :

" (i) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or un-skilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person-

(A) who is employed mainly in a managerial or administrative capacity; or

(B) who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature;

(C) who is an out-worker, that is to say, a person to whom any articles or materials are given out by or on behalf of the principal employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of the principal employer and the process is to be carried out either in the home of the out-

worker or in some other premises, not being premises under the control and management of the principal employer."

The Ministry of Labour referred this dispute under Clause (d) of sub-section-1 and sub-section-2(A) of Section 10 of I.D. Act for adjudication. But the Union is found to have failed to establish that the workers involved in this reference had been working the job of perennial nature under the direct supervision and employment of the management and as such, they failed to establish the relationship between the workmen and the employer as defined in the I.D. Act, 1947.

During argument Mr. S.N.Sarma, learned Advocate for the management submitted that since there is no relationship of employer and employees between the Oil India Ltd. and the concerned labourers in the instant reference and the cause of contract not espoused by the direct employer of the principal employer and hence, the reference is not maintainable. In this connection Mr. Sarma relied upon the ratio of the Indian Oil Corporation Ltd.-vrs- Presiding Officer and Ors., published in 1998 (2) GLT 67 wherein it was observed "that the purpose of reference was to ascertain from the tribunal whether the action of the Oil Corporation in not regularizing the services of 17 contractual workers is justified; the terms of reference itself shows that relationship of employer and employees does not exist between the Indian Oil Corporation and the contractual labourers; the materials placed on record also show that the cause of the contractual labourers has been espoused by Mineral Workers Union, Digboi and not by the direct employees of the principal employer; as such, in the absence of a relationship of employers and employees, the dispute can not be brought within the fold of definition of "Industrial Dispute" as defined in Section-2(k) of the Industrial Dispute Act."

In Gujrat Electricity Board, Thermal Power Station, Ukai, Gujrat-vrs--- Hind Mazdoor Sabha and Ors, reported in (1995) 5 Supreme Court Cases 27, wherein it was held as under:

" After the coming into operation of the Contract Labour (Regulation and Abolition) Act, the authority to abolish the contract labour is vested exclusively in the appropriate Government which has to take its decision in the matter in accordance with the provision of Section 10 of the Act. No Court including the industrial adjudicator has jurisdiction to do so. However, the authority to abolish the contract labour under Section 10 of the Act comes into play only where there exists a genuine contract. In other words, if there is no genuine contract and the so-called contract is a sham or a camouflage to hide the reality, the said provisions are inapplicable. When, in such circumstances, the workmen concerned raise an industrial dispute for relief that they should be deemed to be the employees of the principal employer, the court

or the industrial adjudicator will have jurisdiction to entertain the dispute and grant the necessary relief."

Mr. Sarma relied upon the case of Steel Authority of India Ltd. and Others -vrs- National Union Waterfront Workers and Ors. published in (2001) 7 SCC wherein Hon'ble Supreme Court in para-125 (5) & (6) observed:

"(5) On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para 6 hereunder.

(6) If the contract is found to be genuine and prohibition notification under Section 10(1) of the CLRA Act in respect of the establishment concerned has been issued by the appropriate Government, prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process, operation or other work of the establishment the principal employer intends to employ regular workmen, he shall give preference to the erstwhile contract labour, if otherwise found suitable and, if necessary, by relaxing the condition as to maximum age appropriately, taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualification other than technical qualifications."

Mr. Sarma, learned Advocate for the management submitted that in his evidence the workman witness No.1 admitted that they were engaged by the Deltech(I) Pvt. Ltd. which is a contractor and their salary was paid by the contractor, no appointment letter was issued by the management. Further there is no record to show that the management hold any interview before engaging the concerned workmen. The W.W.1 also mentioned that the machineries were supplied to them by the management and the Engineers of management supervise their works in the field. As such, mere supervision by the management through their officers will not amount to the direct supervision and control as well as any employment of the principal employer as such, the claim of the workmen that the contract between the management and the contractor is not a sham contract and camouflage to deprive the workmen from getting their benefits of

regularisation. In this connection Mr. Sarma has drawn my attention to the ratio of the case International Airport Authority of India -vrs- International Air Cargo Workers' Union and Another reported in (2009) 13 SCC 374 wherein it was decided that "Whether Labour contract was genuine or sham, such a dispute is maintainable before the Industrial adjudicator, even if there is no notification for abolition of contract labour under Section 10(1) of Contract Labour (Regulation and Abolition) Act the Industrial adjudicator can declare that so called contract labour are in fact direct employees of the principal employer and contract is only a camouflage to deny employment benefits to employees; if however contract is genuine and there is also no notification abolishing contract labour under Section 10(1) of the Act principal employer can not be directed to absorb contract labour." It is also held "whether direction and control is with principal employer or with contractor, has to be determined with reference to factors like, who pays salary, who has power to initiate disciplinary action, to remove/dismiss employee from service, who can tell employee the way work should be done, etc; however where contract is merely to supply labour only, contract labour is bound to work under supervision of principal employer; and in such a situation, primary control still vests with contractor and not with principal employer".

9. From the above discussion and the submission of the learned Advocate for the management it is found that the workmen concerned are contract labourer engaged by the contractor M/S Deltech (I) Pvt. Ltd. and there was a genuine contract between the contractor namely M/S Deltech (I) Pvt. Ltd. and the principal employer for supplying the labour for the purpose of drilling operation of the management company, and as such, there is no employer employee relationship between the principal employer and the workmen. Section 2(k) of Industrial Dispute define the Industrial Dispute as under:

"(k) "industrial dispute" mean any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"

But in the instant case the union has failed to establish there exists a relationship of employer and employees between principal employer and the workmen respectively. As such, the instant dispute does not come within the purview of Section 2(k) of the I.D.Act.

10. In view of my foregoing discussion and the findings and having regard to the ratio of the cases mentioned above it is found well established that the dispute raised by the workmen being contract labourers is not maintainable in its present form and the reference made by the appropriate government is not within the ambit of Clause (d) of sub-section 1 and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947. Accordingly

it can safely be held that the present reference is not maintainable and hence, the preliminary issue is answered in negative.

Given under my hand and seal of this Court on this 19th day of November, 2014 at Guwahati.

Send the Award to the Ministry as per procedure.

L. C. DEY, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3149.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इन्शुरेन्स कॉरपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, धनबाद के पंचाट (संदर्भ संख्या 21/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-17011/8/2012-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2013) of the Central Government Industrial Tribunal/Labour Court No.2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-17011/8/2012-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

SHRI KISHORI RAM
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act., 1947.

REFERENCE NO. 21 OF 2013

PARTIES : Gen.Secy.
National Life Insurance Employees
Assoc. (INTUC) PO; MIT, Muzaffarpur
Vs. Sr. Divisional Manager,
Life Insurance Corp. of India, Jeeven
Deep Building, Exhibition Rd., Patna.

Ministry's Order No. L-17011/8/2012-
IR(M) dt.11.1.2013

APPEARANCES :

On behalf of the None
workman/Union :

On behalf of the Mr. M.A.Khan
Management : Ld. Advocate

State : Bihar Industry : Insurance

Dated, Dhanbad, the 16th October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on then under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-17011/ 8/2012-IR (M) dt.11.1.2013.

SCHEDULE

"Whether the action of the management of Life Insurance Corporation while conducting disciplinary action proceedings the principle of natural justice has not be applied by the Management of LIC? If yes, what relief the workman is entitled for?"

2. Neither the Representative for the Union concerned nor the workman concerned appeared but Mr. M. A. Khan, Ld. Advocate for the O.P./Management appeared and filed a Certified Copy of the Order dt. 22.7.14 passed by the Hon'ble High Court, Patna, in CWJC No. 6307/2013, the L.I.C. Vs. Union of India through the Principal Secretary and 4 others, submitting that the Hon'ble High Court of Judicature at Patna having heard both the parties have been pleased to quash the order of Reference made by the Government of India, Ministry of Labour.

On perusal of the case record, I find the reference made by the Order dt.11.1.2013 of the Government of India, Ministry of Labour, New Delhi under the signature of the Under Secretary concerned related to the issue of not following the principle of natural justice by the LIC of India in the disciplinary action proceedings has been quashed and set aside by the Hon'ble Court. So there is no longer an Industrial Dispute before the Tribunal; accordingly an Order of 'No Dispute' is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3150.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चंदा सीमेंट कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 37/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/102/2001-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/2002) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chanda Cement Company Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/102/2001-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/37/2002

Date: 13.10.2014.

Party No. 1 : Chanda Cement Co. Ltd.,
The Vice President,
Post-Cementnagar,
Distt. Chandrapur (M.S.)

Versus

Party No. 2 : Shri Dashrath Champat Sidam,
At- Sindola
Tah- Wani,
Distt. Chandrapur (M.S.)

AWARD

(Dated: 13th October, 2014)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Chanda Cement Co. Ltd., Chandrapur and their workman, Shri Dashrath C. Sidam, for adjudication, as per letter No.L-29012/102/2001-IR (M) dated 19.04.2002, with the following schedule:-

"Whether the action of the management in relation to Sindola Stone Mine of Chanda Cement Works of ACC Ltd., Post-Cementnagar. Dt. Chandrapur in dismissing Shri Dashrath C. Sidam, Mazdoor, Sindola Limestone Mine, ACC Chanda Cement Co. Ltd., vide order No. CL/62-HRD/1101 dated 01.04.1998 is legal and justified? If not, what is the relief to which is the workman is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written

statement, in response to which, the workman, Shri Dashrath Champat Sidam, ("the workman" in short) filed the statement of claim and the management of ACC Ltd., Chanda Cement Works, ("party no.1" in short) filed the written statement.

The case of the workman as presented in the statement of claim is that he was employed as a mazdoor w.e.f.13.03.1985 in Sindola Limestone Mines at Sindola, in the basic pay of Rs.1039.94 alongwith other allowances by party No.1 and he was a "workman", as per the definition of Section 2(s) of the Act and party No.1 is an "industry" as per Section 2(j) of the Act and party No.1 illegally terminated his services w.e.f. 01.04.1998, on false and fabricated grounds of unauthorized absenteeism and he was suffering from acute Bronchitis and was under medical treatment of various doctors and he had produced the medical certificates for the period of absenteeism and on 05.03.1997, he received a show cause notice from party No.1 for the alleged unauthorized absenteeism and on 09.03.1997, he produced the medical certificate in support of his illness for the period from 17.02.1997 to 09.03.1997, but inspite of production of the medical certificate in support of his illness, party No.1 issued an illegal charge sheet on 16.08.1997, asking him to submit his reply within 72 hours, from the date of receipt of the said charge sheet, but due to his serious illness, he sent a telegram to party No.1 on 20.08.1997 about the same, but he was shocked to receive another letter from party No.1 dated 30.08.1997, in which, it was informed that an enquiry has been proposed against him and that he should present himself on 11.09.1997 and that Dr. D.D. Sharma, the Manager Health Services, Sindola Mines has been appointed as the Enquiry Officer and due to his illness, he could not present himself on 11.09.1997 in the enquiry and due to illiteracy of his family members, they could not understand the meaning of the said letter, which was in English and after his recovery from illness, he obtained the fitness certificate and went to join duty on 09.09.1997, but he was not allowed to join duty and on the contrary, the Inquiry Officer advised him to see Dr. Wasalkar at Chandrapur and requested Dr. Wasalkar to admit him in the hospital at least for 10 to 15 days and accordingly, he was admitted in the hospital and on 28.02.1998, Dr. D.D. Sharma passed a remark that he is fit for joining duty from 01.03.1998 and thereafter, he joined duty and subsequently, he was informed that the charges labeled against him stood proved and that he was dismissed from services forthwith and the entire inquiry was an eye wash and the inquiry was not conducted in a free and fair manner and the same was conducted in his absence, due to his admission in the hospital of Dr. Wasalkar on 09.09.1997 at Chandrapur, as per the advice of the Inquiry Officer and the order of his dismissal is illegal.

The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party No.1 in the written statement, denying all the adverse allegations made in the statement of claim, has pleaded inter-alia that the workman worked as a mazdoor from 13.03.1985 in Sindola Limestone Mines and on 05.03.1997, a show-cause notice was sent to the workman alleging unauthorized absenteeism and the workman submitted a medical certificate issued by Dr. Nandakishore Tugnayat of Maregaon, in support of his illness for the period from 17.02.1997 to 09.03.1997 and the said medical certificate was accepted and the workman was marked sick for the said period, in order to afford opportunity to the workman to improve and be regular in time while attending duties and no further proceedings were held on the show-cause notice dated 05.03.1997 and the action of dismissal was not in pursuance to the said show-cause notice.

It is further pleaded by the party No.1 that the charge sheet issued against the workman dated 16.08.1997 was legal and the workman did not submit any explanation to the said charge sheet and accordingly, notice of enquiry to the workman was issued vide letter dated 30.08.1997 and the enquiry commenced on 11.09.1997 at 3 P.M., but the workman remained absent, so proceedings were recorded accordingly and the enquiry was scheduled on 18.09.1997 and intimation of the same was sent to the workman well in time, but on the said date also, the workman remained absent and on 16.09.1997, it had received a letter dated 10.09.1997, sent by the workman intimating his inability to attend the departmental enquiry on 11.09.1997, due to his sickness, but the said letter was not accompanied with any certificate about his sickness and subsequently on 14.10.1997, the workman submitted a sick certificate, which was accepted due to the assurance given by the union and the workman.

The further case of the party No.1 is that charge sheet-cum-notice of enquiry dated 13.02.1998 was given for absenteeism and the workman did not submit any reply to the charge sheet and as such, departmental enquiry was conducted and the workman admitted the charges in the enquiry and in view of the same, there was nothing left for the Enquiry Officer to make further inquiry in to the charges and accordingly, the Inquiry Officer submitted his report and thereafter, a show-cause notice was given to the workman and the service record of the workman was examined and it was found that in a number of occasions for absenteeism, extremely lenient view had been taken by it and in an attempt for the improvement of the workman, he was given warnings and lesser punishments and it was also found that the workman was irresponsible and reckless in attendance of his duty and considering the relevant entries in the past service records of the workman and considering the aggravating extenuating circumstances, the competent Authority decided to dismiss the workman and therefore, it cannot be said that there was any illegality in the dismissal of the workman from service and the enquiry held against the workman is fair and proper and there is inordinate

delay in raising the dispute by the workman and therefore, the reference is liable to be answered in the negative and the workman is not entitled to any relief.

4. In the rejoinder, the workman has reiterated the facts already mentioned in the statement of claim.

5. As this is a case of dismissal of the workman from services, as a punishment in the departmental inquiry conducted against him, the fairness or otherwise of the departmental enquiry was taken up for consideration as a preliminary issue and by order dated 20.08.2014, the departmental enquiry conducted against the workman was held to be legal, proper and in accordance with the principles of natural justice.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman was illegally terminated from service by the party no.1 w.e.f. 01.04.1998, on false and fabricated grounds of unauthorized absenteeism and during the period of absenteeism in question, the workman was suffering from acute bronchitis and was under medical treatment and the workman had produced the medical certificates in support of his illness and treatment during the period of absenteeism and in spite of the same, party No.1 illegally issued the charge sheet and conducted the inquiry and party no.1 appointed Dr. D.D.Sharma, the Manager Health Services, Sindola Mines as the Enquiry Officer to conduct the enquiry against him and Dr. D.D.Sharma had himself advised the workman to consult Dr. Wasalkar at Chandrapur and Dr. Sharma had also requested Dr. Wasalkar to admit the workman in his hospital for at least 10 to 15 days and accordingly, the workman consulted Dr. Wasalkar and was admitted in his hospital and on 28.02.1998, the Enquiry Officer, Dr. D.D. Sharma had passed a remark on the medical certificate produced by the workman before him, stating that the workman was fit to join duty and in spite of knowing about his illness and treatment, Dr. Sharma as the Enquiry Officer held the charges levelled against the workman to have been proved and such findings of the Enquiry Officer are against the evidence on record and the findings are based on no evidence and are totally perverse and the entire enquiry was an eye wash and the punishment of dismissal imposed against the workman is shockingly disproportionate to the charges levelled against him and as such, the same is liable to be quashed and set aside and the workman is entitled for reinstatement in service with continuity and full back wages.

7. Per contra, it was submitted by the learned advocate for the party No.1 that the fairness of the enquiry was considered by this tribunal as a preliminary issue and by order dated 20.08.2014, the departmental enquiry conducted against the workman was held to be legal, proper and in accordance with the principles of natural justice and the departmental enquiry against the workman was held in respect of the charges of frequent absence without leave and for absence without leave for three

consecutive days and the workman appeared in the departmental enquiry and admitted the misconduct of absenteeism and in view of the admission of the charges by the workman, nothing was left for the Enquiry Officer to make further inquiry into the charges and basing on the admission of the workman, the Enquiry Officer submitted his report and the findings of the Enquiry Officer are not perverse and the workman was issued with the second show cause notice and the past service record of the workman was examined and as it was found that on number of occasions, for absenteeism extremely lenient view was taken and that the workman was irresponsible and reckless in attendance of his duty and as such, punishment of dismissal from service was imposed against him and there is no illegality in dismissal of the workman from service and the punishment cannot be said to be shockingly disproportionate to the grave misconduct proved against him and the workman is not entitled to any relief.

8. Perused the record and considered the submissions made by the learned advocates for the parties.

In view of the submissions made by the learned advocates for the parties, I think it apropos to mention the principles settled by the Hon'ble Apex Court in a number of decisions in regard to the power of the Tribunal to interfere with punishment awarded by the competent authority in departmental proceedings.

In a number of decisions, the Hon'ble Apex Court have held that:-

"The jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the Inquiry Officer or competent authority where they are not arbitrary or utterly perverse. The power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority. The adequacy of penalty unless it is malafide is certainly not a matter of the Tribunal to concern itself with. The Tribunal also cannot interfere with the penalty if the conclusion of the Inquiry Officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter.

The Tribunal also cannot interfere with the penalty if the conclusion of the enquiry officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter."

It is also settled by the Hon'ble Apex Court that:-

"A review of the above legal position would establish that the disciplinary authority and on appeal, the appellate authority, being fact finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

The case in hand is now to be considered with the touch stone of the settled principles as mentioned above.

9. On perusal of the record, it is found that charges under clauses 19 (xiv) and 19 (lv) of the Certified Standing Orders of party no.1 were levelled against the workman as per the charge sheet dated 13.02.1998, Ext. M-V.

"Clauses 19 (Xiv) and 19 (lv) of the Certified Standing Orders reads as follows:-

(Xiv) - Frequent absence without leave or absence without leave or 3 consecutive days or more without explanation to the satisfaction of the management.

(lv) - Habitual or frequent breach of any Standing Order or any Rules or Regulations for time being in force or any law applicable to the establishment or any rule made there under.

On perusal of the material on record, it is found that before submission of the charge sheet, Ext. M-V, the workman was issued with a show cause notice dated 06.01.1998 as per Ext. M-I and the said notice was sent to him by registered post with acknowledgement due and the workman submitted his reply to the said show cause notice on 16.01.1998 as per Ext. M-IV. The copy of the reply dated 16.01.1998, submitted by the workman has been admitted into evidence and marked as an Exhibit on admission by the workman. However, the workman did not submit any reply to the charge sheet.

It is also found from record that the workman attended the departmental enquiry on 02.03.1998 and admitted the charges levelled against him before the Enquiry Officer. It is well settled that in a case, where a delinquent admits the guilt, no further detailed enquiry is necessary. Even so, the Enquiry Officer received the medical certificate, Ext. M-IX produced by the workman. It is found further from the record of the departmental enquiry that the workman after producing the medical certificate disclosed before the Enquiry Officer that he was suffering from

Typhoid (and not acute Bronchitis as claimed in by the workman at present) and was admitted into the hospital during the period of illness. The workman did not produce any document regarding his admission in the hospital, discharge certificate, prescriptions and medicine bills in support of his claim. When the Enquiry Officer asked about such documents, the workman told that the said documents were in the hospital and he did not bring the same from the hospital and for that unable to produce the same. In view of the admission of the charges by the workman, the Enquiry Officer closed the enquiry on 02.03.1998 and submitted his report to the disciplinary authority on 06.03.1998.

It is also found from record that the workman was served with the second show cause notice with the copy of the enquiry report. In the second show cause notice, the details of the previous absence of the workman and punishment imposed were mentioned. After taking into consideration all the facts and circumstances of the case, the disciplinary authority imposed the punishment of dismissal of the workman.

10. According to the learned advocate for the workman, he was ill during the period in question and in spite of production of the medical certificate before the Enquiry Officer, the Enquiry Officer held the charges to have been proved against him and such findings are perverse. However, the materials on record show that there is no force in the contention raised by the learned advocate for the workman.

It is to be mentioned here that neither in the statement of claim nor in the rejoinder, any specific pleadings has been made by the workman regarding the reason of his absence for the period from 27.12.1997 to 13.02.1998 i.e. the date of submission of the charge sheet. In his evidence also, the workman has not mentioned anything about the same. In the show cause, though it is claimed by the workman that during the period in question, he was ill and hospitalized, no document has been produced by him regarding his hospitalization. The medical certificate, Ext. M-IX produced by the workman appears to have been granted by Dr. N.D. Gedam of P.H.C. Rajur, but not by Dr. Wasalkar as claimed by him in the statement of claim. The said medical certificate shows that the workman was under the treatment of Dr. N.D. Gedam from 01.08.1998 till 21.02.1998. There is no explanation from the side of the workman regarding his absence from 27.12.1997 to 31.12.1997.

Ext. M-IV, the reply filed by the workman to the show cause notice fully demolishes the case of the workman.

In Ext. M-IX, it has been mentioned that his wife, who had gone to her brother's house at Rajur Lime Factory suddenly fell ill there and as soon as he received a message on 01.01.1998, he left for Rajur, handing over a leave application to one Ramesh Tekam with a direction to hand over the same to T.C. Jogi for handing over the

same in the office for sanction of leave from 01.01.1998 to 08.01.1998. Ext. M-IX was sent by the workman on 16.01.1998 by registered post with acknowledgement due. Not a single word has been mentioned in Ext. M-IX by the workman about his illness and treatment from 01.01.1998 to 16.01.1998 i.e. the date of sending the reply. It is also found that the show cause notice dated 06.01.1998 was sent to the workman in his residential address at Sindola. The workman in Ext. M-IX has mentioned that the show cause notice was received by him on 14.01.1998. The said fact shows that the workman was at Sindola on 14.01.1998 and he was not at Rajur. Admittedly, on Ext. M-IV, Dr. D.D. Sharma had endorsed that "Fit" for 01.03.1998. However, such endorsement by Dr. D.D. Sharma on Ext. M-IX does not prove that the workman was ill from 01.01.1998 to 21.02.1998. The materials on record cast doubt regarding the genuineness of the medical certificate Ext. M-IX produced by the workman. In view of the admission of the workman of the charges levelled against him and due to non-production of any other connected documents by the workman regarding his illness and treatment, the enquiry officer was right in not placing any reliance on Ext. M-IX and holding the charges to have been proved against the workman basing on his admission. Hence, the findings of the enquiry officer cannot be said to be perverse.

11. So far the proportionality of the punishment is concerned, it is found that serious misconduct of habitual absenteeism from duty has been duly proved against the workman in a properly conducted departmental enquiry. The documents produced by party no.1 show that the disciplinary authority had considered the past service records of the workman and being satisfied about that the workman was a habitual absentee, imposed the punishment of dismissal from service against the workman. Hence, the punishment cannot be said to be shockingly disproportionate, calling for any interference. Hence, it is ordered:-

ORDER

The action of the management in relation to Sindola Stone Mine of Chanda Cement Works of ACC Ltd., Post-Cementnagar. Dt. Chandrapur in dismissing Shri Dashrath C. Sidam, Mazdoor, Sindola Limestone Mine, ACC Chanda Cement Co. Ltd., vide order No. CL/62-HRD/1101 dated 01.04.1998 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3151.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जी. सी. मोहन्ता कांटेक्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट

(संदर्भ संख्या 43/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/22/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shri G.C.Mohanta Contractor and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/22/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 43/2013

L-29012/22/2013-IR(M), dated 14.06.2013

Date of Passing Award - 18th September, 2014

Between:

Shri G.C. Mohanta, Loading/
Unloading Contractor,
At. Sukinda Chromite Mines, TISCO,
Po. Kalarangiatta, Dist. Jajpur,
Pin - 755 028, Odisha.

... 1st Party-Management.

(And)

Their workman Shri Bipin Bihari Mallick,
S/o. Shri Damodar Mallick,
At./Po. Ampoloba, P.S. - Sukinda,
Dist. Jajpur - 755 028 Odisha.

... 2nd Party-Workman.

Appearances:

None ... For the 1st Party-
Management.

None ... For the 2nd Party-
Workman.

AWARD

Case called out. Both the parties are absent. The 2nd Party-workman despite sending four notices on dated 29.8.2013, 12.12.2013 and 31.7.2014 by ordinary post and the other dated 20.11.2013 by regd. post has not filed any statement of claim. Ten dates have been fixed from the date of receipt of the reference on 29.8.2013. It seems that the 2nd Party-workman is either not interested in prosecuting his case or has settled the case amicably with the 1st Party-Management out of the court. Hence there is no use to keep the case pending indefinitely.

2. Under the above circumstances, a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3152.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जी. सी. मोहन्ता कंटेक्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेस्वर के पंचाट (संदर्भ संख्या 46/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/21/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shri G.C.Mohanta Contractor and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/21/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT BHUBANESWAR

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 46/2013

L-29012/21/2013-IR(M), dated 18.06.2013

Date of Passing Award - 20th October, 2014

New Delhi, the 3rd December, 2014

Between:

Shri G.C. Mohanta, Loading/
Unloading Contractor,
At. Sukinda Chromite Mines, TISCO,
Po. Kalarangiatta, Dist. Jajpur,
Pin - 755 028, Odisha.

... 1st Party-Management.

(And)

Their workman Shri Deepak Kumar Mallick,
S/o. Shri Gadadhar Mallick,
At./Po. Ampoloba, P.S. - Sukinda,
Dist. Jajpur - 755 028 Odisha.

... 2nd Party-Workman.

Appearances:

None ... For the 1st Party-Management.

None ... For the 2nd Party-Workman.

AWARD

Case called out. Both the parties are absent. The 2nd Party-workman despite sending two notices on dated 29.7.2013 by ordinary post and the other dated 19.09.2014 by regd. post has not filed any statement of claim. The 2nd Party-workman only appeared on 11.9.2013 and moved a petition for one month's time to file statement of claim and his prayer was allowed, but till date he has not filed his statement of claim. Ten dates have been fixed from the date of receipt of the reference on 28.6.2013. It seems that the 2nd Party-workman is either not interested in prosecuting his case or has settled the case amicably with the 1st Party-Management out of the court. Hence there is no use to keep the case pending indefinitely.

2. Under the above circumstances, a no-dispute award is to be passed in the case. Accordingly a no-dispute award is passed.

3. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3153.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मोहंती एसोसिएट/डुंगरी लाइमस्टोन कुआरी ऑफ बी.सी.डब्ल्यू. ऑफ ए.सी. सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 72/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29011/16/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

S.O. 3153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/2012) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Mohanty Associates/Dungri Limestone Quarry of BCW of ACC Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29011/16/2012-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 72/2012

L-29011/16/2012 -IR(M), dated 18.07.2012

Date of Passing Award - 10th of November, 2014**Between:**

1. M/s. Mohanty Associates,
Transport Contractor,
Dungri Lime Stone Quarry of BCW of
ACC Ltd.,
At/PO-Dungri, Dist-Bargarh, Odisha
2. The Director (plant),
Dungri Limestone Quarry of BCW of
ACC Ltd.,
At/PO-Dungri, Dist-Bargarh, Odisha

... 1st Party-Managements.

(And)

Their workman represented through
The President,
Dungri Mines Labour Union,
At/PO-Dungri, Dist-Bargarh, Odisha.

... 2nd Party-Union.

Appearances:

- | | |
|--------------------|--|
| 1. M. M. Rout | ... For the 1st Party-
Management No. 1 |
| 2. S. K. Rout | ... For the 1st Party-
Management No. 2 |
| 3. K. C. Devsharma | ... For the 2nd Party-
Union. |

AWARD

After receipt of the order of reference from the Ministry the case was registered and necessary judicial proceedings were carried out in accordance with law. The 2nd party union has filed his Statement of Claim. The 1st party Management No. 1 and 2 have filed their written statements.

2. In the mean time the contract of the 1st party management No. 1 expired with the 1st party management No. 2. Therefore, to avoid any future problem the parties to the dispute negotiated among themselves out of the court and as per the outcome of the negotiation the workmen concerned under the dispute were paid the negotiated amount of money towards the full and final settlement of their claim satisfactorily as submitted by the President of the 2nd party union along with certain workmen.

3. Accordingly, the 2nd party union has moved a memo to withdraw the dispute raised by them as they have settled the dispute out of the court in consideration of money. The authorized representative appeared on behalf of the 1st party management No. 1 (M/s. Mohanty Associates) has expressed his concurrence by appending his signature on the memo filed by the 2nd party union. The authorized representative appearing on behalf of the 1st Party Management No. 2 (ACC Ltd.) has raised no objection to the memo.

4. Therefore it appears that since the matter is already resolved among the parties to the dispute and since the 2nd party union has stated that they have no further claim in this dispute against the 1st party managements, there is no necessity of further adjudication of the dispute.

5. Under the above circumstances this Tribunal is of the view that a no-dispute award is to be passed in the case. Accordingly, a no-dispute award is passed.

6. The reference is answered in the above terms.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3154.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एस.ई. इंटरप्राइजेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेस्वर के पंचाट (संदर्भ संख्या 31/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-26012/2/2014-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2014) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S.E. Enterprises and their workman, which was received by the Central Government on 21/11/2014.

[No. L-26012/2/2014-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BHUBANESWAR**

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 31/2014

Date of Passing Award - 27th August, 2014

Between:

M/s. S.E. Enterprises,
Raising Contractor, Balda Block Iron Mines,
Po. Balda, Via. Joda, Dist. Keonjhar.

... 1st Party-Management.

(And)

Shri Yudhisthira Patra,
At. Kalimati, Po. Sijoda, Via. Joda,
Dist. Keonjhar.

... 2nd Party-Workman.

Appearances:

Shri Bijay Kumar Giri. ... For the 1st
Authorized Party-
Representative. Management.

Shri Yudhisthira Patra. ... For himself, the
2nd Party-
Workman.

AWARD

Case taken up today. Authorized representative for the 1st Party-Management and the 2nd party-workman in person are present.

2. The parties present have entered into a settlement regarding the present dispute and a Memorandum of

Settlement in Form-H has already been filed on record, which has been verified today by the parties present.

3. The 2nd Party-workman states that he has now no grievance regarding the dispute with the Management as he has settled the dispute with the 1st Party-Management and received the amount agreed upon. A receipt of payment has also been filed. Therefore no dispute remains to be adjudicated upon.

4. Accordingly the reference is decided in terms of the Memorandum of Settlement which shall form part of the Award.

Dictated & Corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3155.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इन्शुरेन्स कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, मुंबई के पंचाट (संदर्भ संख्या 35/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-17011/11/2008-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2009) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 21/11/2014.

[No. L-17011/11/2008-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

K.B. KATAKE, Presiding Officer

REFERENCE NO.CGIT-2/35 of 2009

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF**

LIFE INSURANCE CORPORATION OF INDIA

The Sr. Divisional Manager
LIC of India, Mumbai Division-I
Yogashema
Jeevan Beema Marg
Mumbai 400 021.

AND

THEIR WORKMEN.

The General Secretary
Rashtriya Bima Karmachari Union
98/1, Belgrami Road
Kurla (W)
Mumbai 400 070.

APPEARANCES:

FOR THE : Mr. H. K. Bhalerao,
EMPLOYER Advocate.

FOR THE : Ms. Kunda Samant,
WORKMEN Advocate.

Mumbai, dated the 5th September, 2014.

AWARD PART-I

The Government of India, Ministry of Labour & Employment by its Order No.L-17011 / 11 /2008-IR (M), dated 23.03.2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of LIC of India, MDO-I, Mumbai by reducing the basic pay by five stages permanently in time scale in respect of Shri B.R.Pai is justified? What relief the workman Shri B.R. Pai is entitled to?"

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, second party union has filed its statement of claim at Ex-3. According to the union, its member Shri Baba Ramchandra Pai was appointed as Typist in 1974. He served for more than 33 years and he is working as H.G.A. and was getting successive promotions throughout. His service was unblemished. One Shri Ajay Vaish a policy holder bearing no.73662727 has deposited a cheque of Rs. 3911/- by way of yearly instalment of his policy. The said cheque was adjusted against the policy of the workman bearing no.900196220 for his instalment of March 2001. Another cheque deposited by Mr. Ajay Vaish through his agent Mr. Mayur Kapadia of Rs. 4280/- for his policy. Instead of his policy it is alleged that the said cheque was adjusted against the LIC policy of wife of the workman. It is alleged that the workman has also claimed income tax deductions of the said amount for the respective years. Therefore the officials of the first party alleged that, the policy numbers written at the rear side of the cheques were forged and changed by the workman.

Therefore the workman was charge-sheeted for the alleged fraud and forgery.

3. The first party appointed Inquiry Officer and Presenting Officer. The I.O. was bias. Mr. Vaish has deposited the two cheques against his policy through his agent Mr. Mayur Kapadia. They are relevant witnesses, however they were not examined in the inquiry proceeding. They were not made available for cross examination. No opportunity was given to the workman to defend himself. The principles of natural justice were not followed in the inquiry proceeding. The Inquiry Officer held the workman guilty. The findings of the Inquiry officer are perverse. On the basis of inquiry report, the disciplinary authority has imposed punishment of reduction in basic pay of the workman by five stages permanently. The disciplinary authority ignored the representation of the workman submitted to them. The appeal of the workman was also dismissed. Therefore the union has raised industrial dispute before the ALC (C). As conciliation failed, on the report of ALC (C), the Central Labour Ministry sent the reference to this Tribunal. The union therefore prays that the punishment be set aside and first party be directed to restore the basic pay with retrospective effect and consequential benefits and also prays for direction to pay arrears of the deducted amount with interest @ 18 % p. a. and also prays for order to pay compensation to the workman with heavy cost of the proceeding.

4. The first party management resisted the statement of claim vide their written statement at Ex-6. According to them workman Shri Pai was working as H.G.A. in Branch 901 under Mumbai Division. His LIC policy was bearing no.900196620. The premium of Rs.3911/- was due and payable for the month March, 2001. A customer, Mr. Ajay Vaish had to pay his insurance premium of his policy no.73662727. Thus he had drawn a cheque bearing no.365593 dated 14/03/2001 on Punjab National Bank, Juhu Scheme, Vile Parle (W), Mumbai and sent the same to LIC branch No. 901, through his agent Shri. Mayur Kapadia. The policy no. was written on the reverse side of the cheque. However the number was changed from 73662727 to 900196620 which is pertaining to workman Mr. Pai. Workman Mr. Pai also claimed income tax rebate on the said fraudulent payments of renewal premium in the financial year 2000-2001. Similarly another cheque of Shri Vaish for an amount of Rs. 4168/- for premium due on August 1997 was found to have been adjusted towards the premium of policy no.900189392 which is the policy of Smt. Sunanda Pai, wife of the workman. The said cheque was deposited by Shri Ajay Vaish for his policy no.73662727 and the said number was written at the rear side of the cheque which was forged and changed to 900189392. The workman had forged the policy numbers on both the cheques and ultimately both these cheques were credited in the account of workman and his wife respectively. Therefore workman was charge-sheeted for the alleged misconduct. Inquiry Officer was appointed.

He conducted the inquiry. Full opportunity was given to the workman to defend himself. He cross examined the witnesses of management. He was also given an opportunity to lead his own evidence.

5. After hearing both the parties, the Inquiry Officer held the workman guilty for the charges levelled against him. The inquiry was conducted after giving sufficient and fair opportunity to the workman to defend himself. He was also allowed to appoint defence representative. The inquiry was conducted in accordance with the principles of natural justice. As workman was held guilty for serious charges, the management instead of dismissing the workman from services took lenient view and reduced his pay by five stages permanently. The inquiry was fair and proper. Findings of the Inquiry Officer are not perverse. Therefore the first party prays that the reference deserves to be dismissed.

6. Following are the issues for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether the inquiry conducted by the management of L.I.C. of India MDO-I Mumbai against its employee Shri B. R. Pai is fair and proper?	Yes.
2.	Whether the findings of I.O. are perverse?	No.

REASONS

Issue No.1 :-

7. In respect of inquiry only two defects are pointed out. They are (1) Copies of all the documents demanded were not furnished or supplied to the workman. (2) The main witnesses Mr. Ajay Vaish and his Agent Mayur Kapadia were not examined who were most relevant and important witnesses. In this respect it was submitted on behalf of the workman that during the inquiry proceedings the second party workman had sought for some documents in respect of the policy of Mr. Vaish and policy of his wife. However they were not furnished. The status report of policy of Ajay Vaish and premium history of his policy were not called though workman has sought for the same.

8. In this respect the Id. adv. for the first party pointed out that the copies of documents used in the inquiry proceeding were supplied to the second party. However the documents which are neither referred nor relied upon were unnecessary. Therefore copies of such documents which are not part of inquiry proceeding were not called for to give to the second party. That does not create any hurdle in the inquiry proceeding. On the point Apex

Court ruling can be relied on in Pandit D. Aher V/s. State of Maharashtra (2007) 1 SCC 445 in para 10 of the judgement the Hon'ble Court on the point observed that;

"A copy of document which has not been relied upon, is not required to be supplied to a delinquent officer. The documents which are required to be supplied are only those where upon reliance has been placed by the department."

9. It is not the case of the workman that he did not receive the copies of the documents referred and used in the inquiry proceeding. In the light of above ruling it is clear that, non-supply of copies of documents neither referred nor relied upon does not create defect in the inquiry proceeding. Therefore this defect pointed out on behalf of the second party does not stand to reasons.

10. In respect of non-examining witness, Mr. Ajay Vaish and Mayur Kapadia, the Ld. Adv. for the second party submitted that they were relevant and concerned witnesses. The management did not examine them and they were not made available for cross examination. Therefore the inquiry cannot be called fair and proper. In support of her argument the Ld. Adv. resorted to Apex Court ruling in Hardwarilal V/s. State of U.P. & Ors. 2000 (84) FLR 3 (SC). In that case, in the departmental inquiry a Police Personnel alleged to have hurled abuses under the influence of liquor in the Police Station at Constable Prakash Chandra Pandey. In the inquiry proceedings, the two important witnesses in whose presence the incident had taken place were not examined. In respect of non-examination of the complainant and the eye witness, Jagdish Ram the Tribunal in that case, was satisfied that examination of Virendra Singh was only formal to prove the report and no prejudice has been caused to the defence of the charge-sheeted employee. The Hon'ble High Court affirmed the said findings. The matter was taken to Supreme Court. On the point Hon'ble Apex Court observed that;

"We do not think that Tribunal and High Court were justified in thinking that non examination of these two persons could not be material. In these circumstances we are of the view that high Court and Tribunal erred in not attaching importance to this contention of the appellant."

11. In that case both the witnesses were eye witnesses to the incident that, the charge-sheeted employee huddled abuses under influence of liquor. Such an incident can be proved only by examining the eye witnesses. They were not examined therein to prove the incident. However in the case at hand there was no such incident required to be narrated by oral evidence. On the other hand, the case at hand is totally based on documentary evidence and entries in the account books maintained during the course of business. Therefore the ratio laid down in the above ruling is not attracted to the set of facts of the present case.

12. In this respect it was pointed out on behalf of the first party that there are documents on record such as entries of cheques of Shri Vaish credited against the policies of workman and his wife respectively. Both the cheques were issued by Mr. Ajay Vaish drawn on his account maintained in Punjab National Bank. This documentary evidence on record suffice the purpose to show that the cheques of Mr. Vaish were credited against the life policies of workman and his wife. The policy numbers of life policy of Mr. Vaish were changed and numbers of policies of workman and his wife were written by forging the original numbers. In the circumstances Mr. Vaish or Mr. Kapadia the agent of Mr. Vaish were not necessary witnesses. On the other hand they have no knowledge about these facts. Furthermore it was also pointed out that the workman has admitted in his cross that he has availed the income tax rebate of the respective years in respect of the instalments credited in his policy and in the policy of his wife. It indicates that the workman was well aware that the instalments were deposited against their respective policies. All these documentary evidences suffice the purpose to show that the cheques of Mr. Vaish issued on the relevant dates were not credited towards the respective premiums of his policy. On the other hand they were credited against the policies of the workman and his wife for the respective years. Availing tax benefit by the workman further indicates that workman was well aware that instalments were credited against his Life Policy and the Life policy of his wife. As the documentary evidence was sufficient on record, it was not necessary to examine either Mr. Vaish or Mr. Kapadia. They would have not be able to give any details except the fact that Mr. Vaish had issued cheques towards the respective premiums of his policy and had written policy numbers at the rear side of the respective cheques. The said fact is not even disputed by the workman. Therefore these two witnesses were neither necessary nor material. Furthermore such companies as far as possible always avoid to examine customers of the company in such type of cases, as it causes harm to their reputation, which ultimately affects their business. In the circumstances conclusion can be arrived at that, non-examination of these witnesses did not cause any prejudice to the interest of the second party workman as entire case is based on the documentary evidence.

13. It was also submitted on behalf of the second party that, the inquiry officer did not send the concern cheques to handwriting expert to verify whether the numbers were forged by the workman or somebody else. In this respect I would like to point out that there is very little scope for the handwriting expert as only eight ten numbers were forged on the cheques. Furthermore the workman was working in the same branch and had ample opportunity to get the numbers forged by himself or through some other person. The fact is not disputed that the workman was working in the same branch No. 901 where the record of these three policies are maintained.

The workman was HGA in the same branch. By forging and changing the numbers of life policies on the cheques and writing the number of life policy of workman and his wife ultimately the workman was the beneficiary of the mischief. The workman cannot say that somebody else had done it without his knowledge as he has availed the tax benefit of the relevant years in respect of the insurance premium of his wife in the year 1998 and insurance premium of his own policy for the year 2001. In the circumstances not sending the cheques to handwriting expert neither caused any prejudice to the workman nor create any defect in the inquiry.

14. The Ld. Adv. for the second party submitted that domestic inquiry is not a sheer formality but the Inquiry Officer must follow the rule of natural justice. In support of her argument, the Ld. Adv. resorted to Apex Court ruling in *Kumar Ram Nandan V/s. Fluid Power Pvt. Ltd. & Ors.* 1987 II LLN 748 wherein the Hon'ble Court observed that;

"The cardinal principles of labour jurisprudence enjoin upon an employer to hold a domestic enquiry against a workman honestly and bona fide with care and caution that such an enquiry does not become an empty formality. It is an elementary principle of labour law that while holding domestic enquiry rules of natural justice must be faithfully followed and fair play strictly ensured."

15. In this respect as it is discussed above, the entire case of the alleged misconduct was based on documentary evidence such as the two cheques issued by Mr. Vaish. The numbers of policy were written at the rear side of both the cheques and the said numbers were changed by forgery and those cheques were credited in the policy accounts of the workman and his wife respectively. Under Section 34 of Evidence Act, the entries in the register or account books maintained during the course of business can be read in evidence. In such circumstances there was no scope for oral evidence and non-examination of Mr. Vaish and Mr. Kapadia cannot be said to have caused any prejudice to the workman. Therefore non-examination of these witnesses cannot be said violation of principles of natural justice.

16. By way of conclusion I would like to point out that the charge-sheet was served on the workman. He gave his reply thereto. Copies of documents on record before the Inquiry Officer were given to the workman. He was given an opportunity to defend himself and to lead his evidence. It indicates that sufficient opportunity was given to the workman by the I.O. Question of biasness of I.O. does not arise. As there was sufficient documentary evidence and there was no scope for oral evidence. Thus the management has not examined the two witnesses. Therefore question of causing any prejudice to the workman does not arise.

17. In short, I come to the conclusion that the Inquiry Officer has conducted the inquiry as per the procedure and in a fair manner, sufficient opportunity was given to the workman to defend himself. In this backdrop I come to the conclusion that, the inquiry was fair and proper. Accordingly I decide this issue no.1 in the affirmative.

Issue No. 2 :-

18. The Ld. Adv. for the second party in this respect submitted that the attitude of the Inquiry Officer was bias. Therefore without examining the complainant he reached to the conclusion that the workman was guilty of the alleged charges. In support of his argument the Ld. Adv. for the second party resorted to Apex Court ruling in *State of West Bengal and Ors. V/s. Shivananda Pathak* 1998 FLR (79) 684. Wherein in respect of bias state of mind the Hon'ble Court observed that;

"Bias, as pointed out earlier, is a condition of mind and, therefore, it may not always be possible to furnish actual proof of bias. But the courts for this reason, cannot be said to be in a crippled state. There are many ways to discover bias; for example by evaluating the facts and circumstances of the case or applying the tests of "real likelihood of bias" or "reasonable suspicion of bias".

19. In the case at hand without examining the original complainant, on the strength of documentary evidence the I.O. has rightly come to the conclusion that the workman was guilty for the alleged misconduct as documents and entries in the register and A/c book indicate that the cheques issued on two occasions by Mr. Ajay Vaish drawn on his account on Punjab National Bank were credited against the premium of the Policy of workman and his wife respectively. The numbers of policies on those cheques were found changed and instead of policy number of Shri. Vaish, the numbers of policies of workman and his wife were written at the rear side of the cheques. The defence of the workman does not stand to reasons that he has no knowledge as to who has forged the numbers of the policies written at the rear side of the respective cheques, for the simple reason that, the workman himself has availed the tax rebates / benefit for payment of insurance premium of the respective years. It clearly indicates that the workman was well aware that the cheques of Shri. Vaish were credited towards premium of his life policy and policy of his wife in the respective years. Workman was working in the same branch No.901 and had the opportunity to forge the numbers. Furthermore he himself has not paid those premiums, inspite of that, he has availed the income tax benefits. All these facts, documents, entries in the registers and account books indicate that, the mischief was committed by the workman. The findings of the inquiry officer are based on these facts and documents on record. Therefore the findings of the Inquiry Officer cannot be called bias or perverse. In the case at hand the

documentary evidence on record is conclusive and more than the requirement of preponderance of probability.

20. In this respect Ld. Adv. for the first party submitted that in departmental inquiry the management need not prove the charges beyond reasonable doubt as required in a criminal trial. The standard of proof in domestic inquiry is altogether different and mere preponderance of probability suffices the purpose. In the case at hand the documentary evidence on record is conclusive. In support of his argument Ld. Adv. resorted to Bombay High Court ruling in Maharashtra State Co-op. Cotton Growers Marketing Federation & Anr Vs. Vasant Ambadas Deshpande 2014 (2) ALL MR 682. In para 23 of the judgement the Hon'ble Court cited the Apex Court ruling in Dy. Inspector General of Police V/s S. Samuthiram reported in 2013 (1) CLR 16 and observed that;

"The Apex Court has once again concluded that by the preponderance on the principle of probabilities one can come to a conclusion that the charges are proved against an employee."

21. The findings of Inquiry Officer are based on the cogent documentary evidence on record discussed hereinabove. Thus I found that the findings of the Inquiry Officer are not perverse. Accordingly I decide this issue no.2 in the negative and proceed to pass the following order:

ORDER

- (i) The inquiry is held fair and proper.
- (ii) Findings of Inquiry Officer are not perverse.
- (iii) Parties to lead evidence/argument on the point of quantum of punishment.

Date: 05/09/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3156.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ऑयल ब्लेंडिंग लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, मुंबई के पंचाट (संदर्भ संख्या 15/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-30015/23/2004-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2005) of the Central Government Industrial Tribunal/

Labour Court No.2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Blending Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-30015/23/2004-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT :

K.B. KATAKE, Presiding Officer

Reference No.CGIT-2/15 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

M/S. INDIAN OIL BLENDING LIMITED

The Plant Manager
M/s. Indian Oil Blending Ltd.
Trombay
Mumbai 400 074.

AND

Their Workmen

The Secretary General
Petroleum Employees Union
Tel Rasayan Bhavan
Tilak Road
Dadar
Mumbai-400 014

APPEARANCES:

For the : Mr. Anil Kumar, i/b
Employer M/s. Negandhi Shah &
Himayatullah,
Advocate

For the : Mr. R. D. Bhat,
Workmen Advocate

Mumbai, dated the 24th September, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-30015/23/2004-IR (M), dated 16.12.2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"1. Whether the contract between the contractor and the management of Indian Oil Blending is sham and bogus and is a camouflage to deprive the workmen whose names are enlisted at Exhibit 'A'

from the benefits available to permanent workers of the Indian Oil Blending?

2. Whether the workmen whose names are enlisted at Ex-A should be declared as permanent works and wages and consequential benefits be paid to concerned workers?"

List of Workmen

1. S/Shri Yashwant Mane
2. Mahendra J. Batawale
3. Raju L. Salve
4. Dayashankar Mishra
5. Mohansingh Sonar
6. Santosh D. Kukamkar
7. Krishna N. Gowda
8. Santosh A. Ahwad
9. Ramdas B. Sangam
10. Kamalakar N. Jadhav
11. Yeshwant D. Shelar
12. Prabhakar D. Yashwant
13. Ravi Murlidhar Pawar
14. Anand V. Kamble
15. Ashok Shankar Pakre
16. Bhanudas D. Magar
17. Bhaskar Dasrath Bhongle
18. Krishan N. Gawde
19. Janardhan G. Patel
20. Vasudev T. Koli
21. Vijay R. Thandel
22. Arun R. Shelavale
23. Sopan B. More
24. Jaganath B. Mhatre
25. Madam K. Patel
26. Prashant M. Koli
27. Padmanabha Poojari
28. Bhikaji Mohite
29. Padmanabha R. Hegde
30. Jayakar D. Poojari
31. Harish S. Hegde
32. Shivappa B. Poojari
33. Mahesh O. Hegde

34. Vishwas J. Shetty
35. Kishor K. Kadam
36. Rajesh B. Poojari
37. Pradeep S. Das

2. After receipt of the reference, notices were issued to both the parties. In response to the notice second party Union filed their statement of claim at Ex-9. According to the union, the workman under reference were employed by the first party as Sweeper /Cleaner for the work of cleaning control room, pump room, blending cattle area, lubricating machine area, mezzanine floor area, basement floor area twice a day, collecting oil into drums and cleaning the area with sawdust, collection of deposit of other material like damaged cap seals, washers, wooden crates, empty gunny dumped in the area, cleaning all glass windows, panes, window palmettos, removing cobweb in the building, cleaning ventilations, cleaning tube lights and fittings, sweeping of terrace of canteen building and office building, cleaning septic tanks and drainage adjacent to boiler and WCR and all drainage inside the plant, cleaning of storm water, drainage, cleaning of jetty, cleaning of solar collectors and pipe lines, cleaning of valley gutters, eaves gutters of asbestos roof of the water house Railway Siding etc. Their work is of perennial nature and the workmen under reference are doing the same work day to day. Their service conditions are inferior and they are being given discriminatory treatment in respect of their service conditions. Their work is of hazardous nature and they are being paid poorly. Their work is being supervised directly by the officials of the company.

3. Till 1983 these works were being performed by regular permanent Sweepers. However since 1983 the regular Sweepers were transferred to some other technical department and the work is given to these workers. The union has filed a writ before Hon'ble High Court. After verifying the trouble of the workmen, the Hon'ble High Court granted interim relief. The workmen are attending the work of management. The officials of management are supervising their work. Since April, 1987 to February 1989 M/s. K.K. Enterprises was shown as contractor. Since 1989 M/s. A.A. Pradhan was shown as contractor. In 1998 M/s. Good housekeeping was shown as Contractor. From October 1999 to February 2002 M/s. A.A. Pradhan was shown contractor. From March 2002 to August 2002 M/s. Teknokem. From Sept 2003 till the date of reference M/s. Jyotsana Enterprises was shown as the contractor. The workers are the same and contractors were being changed. Only payments were made through contractor. The contract between contractors and the management are sham, bogus and mere camouflage to deprive these workmen from getting the benefits of permanency. These workmen are in direct service of the management as permanent workmen in the category of class-IV employees. The workmen have made

number of representations for paying them the wages at par with permanent/regular employees. However the management refused thereto. Therefore the workman have raised the dispute and prays for declaration that, contract arrangement between the contractor and the management be declared as sham, bogus, dubious and mere camouflage to deprive these workmen from getting benefit of permanent workmen. They also pray for declaration that they be declared as in direct service of the management as permanent Class-IV employees of the management. They also pray for all consequential benefits in the category of permanent Class IV employees.

4. The first party management resisted the Statement of Claim vide its Written Statement at Ex-18. According to the first party the reference is not maintainable. According to them the notification in respect of abolition of contractor labour in the process of sweeping, cleaning, dusting and watching of buildings owned and occupied by establishment was quashed and set aside by Hon'ble Supreme Court in the case of Steel Authority of India & Ors. Vs. National waterfront workers union & ors in the year 2001. Therefore the reference is not tenable. The present reference is misconceived in facts and bad in law and barred on the ground of non-joinder of necessary party. The contractors, M/s. Pradhan and M/s. Jyotsana Enterprises are the necessary parties to this reference. The first party is not engaging 20 or more contract labourers on any day and thus Section 12 of Contract Labour (Regulation and Abolition) Act 1970 is not applicable to the contractors. As per the policy of the company, first party had awarded contracts against public tender from the licenced contractors. The contracts are legal and enforceable in the eye of law. The workmen are the employees of the contractor and not that of the company. They are engaged by the contractor and being paid by the contractor. All the statutory benefits like PF, ESI are being extended to them by these contractors. They are being paid by the contractor at par with the long term settlement as applicable to the regular employees of the first party company and in consonance with the report of Regional Labour Commissioner.

5. According to the first party company, no permanent employee of first party company is performing the same or similar work as performed by the contract labourers. The contract labourers are being engaged to do housekeeping work of the first party company. They are engaged through contractor. There is no employer-employee relationship between these workmen and the first party. Some of the workmen shown in the list are not attending the work since long and they are not entitled to any relief. These workmen are contract workers and not entitled for regularisation in the service of the first party. Therefore the workmen are not entitled to any relief as prayed in the statement of claim. The First party thus prays that the reference be dismissed with cost.

6. Following are the issues framed by my Ld. Predecessor for my determination. I record my findings thereon for the reasons to follow.

Sr. No.	Issues	Findings
1.	Whether contract between the contractor and management is sham and bogus as alleged by second party?	Yes
2.	Whether workmen involved in this reference as mentioned in annexure of the corrigendum require to be declared as permanent employees of first party?	Yes
3.	What order?	As per order below

REASONS

Issue no.1:-

7. In the case at hand the workmen have claimed that they are working with the first party since more than last 20 years. Initially the company was paying them directly. Since 1987 the first party has started paying them through contractors. In this respect the fact is not disputed even by the first party that these workmen barring 2/3 are working continuously for more than 20 years as Sweeper/Cleaner in the establishment of the first party. The officer of the first party Mrs. Soumya Babu, the Dy. Manager has admitted in her cross (Ex-33) that all these workmen were performing work as per the instructions given by the officers of the company. The fact is also not disputed that the workmen were working continuously since 1983 and 1987 and 1993 and contractors were kept on changing periodically.

8. The Ld. Adv. of the second party submitted that, the work of these workmen was being supervised directly by the officials of the company. It indicates that they are the employees of the first party. On the point the Ld. Adv. for the first party submitted that, the workmen cannot become employee of the principal employer, merely as their officers have given some instructions to them in respect of the work. In respect of nature of contract, he argued that, there were valid contract of the company with registered contractors, who have supplied these labourers to the company. The labourers have to work as per the direction of the company. Merely giving some direction or supervising their work by officers of the company is not sufficient proof to show that the workmen are direct employees of the company. In support of his argument the Ld. Adv. resorted to Apex Court ruling in International Airport Authority of India V/s. International Air Cargo Workers Union & Anr. AIR 2009 SC 3063 wherein in para 28 of the judgement, the Hon'ble Court on the point observed that;

"Merely because the contract labour work is under the supervision of the officers of the principal employer, it cannot be taken as evidence of direct employment under the principal employer."

9. On the point *Ld. Adv.* for the first party also resorted to another Apex Court ruling in *General Manager (OSD), Bengal Nagpur Cotton Mills, Rajnandgaon V/s. Bharat Lal & Anr.* 2011 (1) LLN 368 (SC) wherein Hon'ble Court held that merely because work instructions were issued by officers of principal employer does not make him his employer rather than contractor.

10. The *Ld. Adv.* for the first party further submitted that, admittedly the wages were being paid to these workmen by the respective contractors. Secondly the workmen were working under the supervision of supervisor of the contractor and not under the officers of the company. Therefore he submitted that there exists no employer-employee relationship with these workmen. In support of his argument he cited Apex Court ruling in *General Manager (OSD) Bengal Nagpur Cotton Mills, Rajnandgaon V/s. Bharat Lal & Ors.* (2011) 1 SCC 635. In para 10 of the judgement the Hon'ble Court on the point whether the contract is sham and bogus and contract labourers are direct employee of the principal employer, observed that;

"Two of the well-recognised tests to find out whether contract labourers are the direct employees of the principal employer are (i) whether the principal employer pays the salary instead of contractor (ii) whether the principal employer control and supervise the work of the employee."

11. In this respect the *Ld. Adv.* for the second party submitted that, the totality of facts and circumstances are required to be taken into account to determine the point and a single test be it control test or be it organisation or any other test is not sufficient to determine whether contract is sham and bogus. In support of his submission *Ld. Adv.* for the second party resorted to Apex Court ruling in *Workmen of Nilgiris Co-op. Marketing Society Ltd. V/s. State of Tamil Nadu* in para 31 of the judgement the Hon'ble Court on the point observed that;

"Determination of vexed questions as to whether a contract is contract of service or contract for service and whether the concerned employees are the employees of the contractors, has never been an easy task. No decision of this court has laid down any hard and fast rule nor it is possible to do so. The question in each case has to be answered having regard to the fact involved therein. No single test -be it control test, be it organisation or any other test has been held to be the determinative factor for determining jural relationship of employer and employee."

12. In this respect the *Ld. Advocates* for the second party submitted that, till 1987 there was no contractor

and the wages were being paid directly by the company and their work was also being supervised by the officials of the first party. Since 1987 onwards the company has inducted the contractors. The contractors were being changed periodically, and the same workers continued to work. They were working as per the instructions issued by the officials of the company. The *Ld. Adv.* for the second party further submitted that, the workmen are claiming contract are sham and bogus not merely on the ground that, they were working under direct control of the officers of the company. According to them there are number of other factors, indicating that these workmen are the employees of the first party and the contracts are sham, bogus and nominal. According to them, these workmen are working more than 20 years continuously when the contractors were keep on changing periodically. For the period 1983 to 1987 there was no contractor and they were paid by the Company and for all purposes they were the employees of the first party. Since 1987 onwards the company has inducted the contractors. They were engaged for one or two years and the same workers continued to work for more than 20 years. Furthermore from the nature of work it is clear that the work is of perennial nature. The long duration is also one of the circumstances indicating the regular need of work to the company. On the point Apex Court ruling can be resorted to in *Workmen of Burkunda Colliery of Central Coal Fields Ltd. & Anr. V/s. Management of Burkunda Colliery of Central Coal Fields Ltd. & Anr* 2006 I CLR 635 (S.C.) wherein the Hon'ble Court on the point observed that;

"When temporary or ad-hoc appointments are continued for long, Courts presume that there is regular need for his services on regular post and considers case for regularisation."

13. In the case at hand the fact is not disputed that the same workmen are working for more than 20 years continuously. It indicates that the need of the employer is of perennial and regular nature and these services are required on regular basis. All these facts indicate that, the contracts are sham, bogus and mere camouflage to deprive the workmen from the benefits of permanent employees. It amount to exploitation of poor workmen as they are working on daily wages for more than 20 years continuously.

14. In this respect *Ld. Adv.* for the first party submitted that employee who has not come through Employment Exchange and not recruited by following the procedure prescribed therefor cannot be absorbed as permanent employee. In support of his argument the *Ld. Adv.* resorted to Bombay High Court ruling in *Airport Authority of India, Mumbai V/s. Indian Airport Kamgar Union & Ors.* 2010 III CLR 270 wherein the Hon'ble Court held that when the contract labourers do not come through Employment Exchange nor they have appeared for any written test and they have no complaint against the contractor who pays them their salaries and other benefits

and when no charge sheet are issued to them by the principal employer, despite its supervision and control, these are all the incidents of the contract between the labourers and contractors which contract cannot be termed as sham and bogus.

15. The Ld. Adv. for the first party further submitted that the abolition of contract labour cannot be directed by the Court or Tribunal. Only appropriate Government can take the action to that effect under Section 10 of the Contract Labour Act. In support of his argument, the Ld. Adv. resorted to Apex Court ruling in *Steel Authority of India Ltd. V/s. Union of India and Ors.* 2006 III CLR 659 wherein the Hon'ble Court on the point observed that;

"It is not disputed before us that matter relating to abolition of Contract Labour being governed by the provisions of the 1970 Act, the Industrial Court will have no jurisdiction in relation thereto."

16. In this respect the Ld. Adv. for the second party submitted that, the workmen herein are not praying for abolition of contract labour system. On the other hand they claim that the contracts are sham, bogus and mere camouflage to deprive them from getting the benefits of permanency. Therefore he rightly argued that, the ratio laid down in the above ruling is not attracted to the set of facts of the present case.

17. The Ld. Adv. for the second party submitted that the union herein has prayed for declaration that, the contracts are sham and bogus. Therefore this Tribunal has jurisdiction to entertain the reference. On the point the Constitutional Bench, Apex Court ruling can be resorted to in *R.K.Panda & Ors. V/s. Steel Authority of India & Ors.* 1994 II CLR 402 wherein employees therein were serving for 10 to 20 years and have claimed that they became direct employees of the respondent and they have direct link with the principal employer eliminating the contractor from the scene. In that matter the Hon'ble Court held that, normally the Labour Court or Industrial Tribunal under the I. D. Act or under the Contract Labour Act are the competent fora to adjudicate such disputes on the basis of the oral and documentary evidence produced before them. Same ratio is reiterated by the Hon'ble Apex Court in its subsequent judgement in *National Federation of Railway Porters and Vendors and Bearers V/s. Union of India & Ors.* 1995 II CLR 214 (SC).

18. The Ld. Adv. for the first party in this respect cited the Apex Court ruling in *The Secretary, State of Karnataka & Ors. V/s. Uma Devi & Ors.* 2006 (3) L.L.N. 78 wherein, the Hon'ble Court held that, the services of contract workers, cannot be regularised as it would amount to back door entry in the service other than the recruitment process. In this respect I would like to point out that, the unions herein are not claiming regularisation or absorption in the service. On the other hand according to them the contracts are sham, bogus and nominal and the workers

are in fact direct employees of the company. Therefore the ratio laid down in the above Apex Court ruling in the case of *Uma Devi* is also not attracted to the set of facts of the case at hand.

19. From the facts on record for the following reasons I found that the contracts are same, bogus and nominal, they are (1) Initially they were engaged directly by the first party in the year 1983. (2) Till 1987 their work was supervised and wages were paid by first party directly (3) contractors were inducted since 1987 (4) The contractors were kept on changing periodically when the workmen are same working continuously for more than 20 years. (5) The work is of perennial nature (6) Previously till 1983 the same work was being done by the regular employees of the first party and there were vacancies since 1983.

20. In addition to the above, the Ld. Adv. of the second party further pointed out that, the ability, competency and qualification etc. of these workmen was never questioned by the company for last number of years. Some of them are also doing jobs of technical nature i.e. collecting various oil samples etc. The period they have worked for is sufficient to show that, they were well trained and competent to do their respective jobs assigned to them. It is further pointed out that not only these workmen were working under direct supervision of the officers of the company but they were doing the work of perennial nature. They are doing the respective jobs continuously for years together without any interruptions whereas the contractors were kept on changing after gap of a year or two. All these facts indicate that the workmen herein were continuously working for the management for more than 20 years and the company was signing contracts periodically merely to deprive these workmen from getting the benefits of permanency. He further pointed out that these workmen are working for meagre amount of minimum wages. After such a long service of more than 20 years their monthly pay is Rs.5000/- to Rs.7000/- only whereas the permanent employees, performing the same work are getting much more pay, allowances, leave, medical leave facilities, canteen facilities, leave travel concession etc. According to the Ld. Adv. for the second party, the workmen herein are very poor and fighting to meet the two ends of their respective families. They hardly can spend any thing for the education and welfare of their children. By this type of policy of the company, poor are getting poorer. From these facts, picture is clear that all these workmen are very poor and therefore they have no other alternative but to work for such a meagre amount for number of years. Such type of exploitation needs to be checked. In this respect I would like to point out that there are number of labour welfare legislations enacted in order to protect the workmen. In spite of that, exploitation of the poor class is still going on under the garb of contract labourers or daily wagers etc.

21. Hon'ble Apex Court in a recent ruling has taken note of such exploitations of the poor workmen in Bhilwara Dugdh Udpadak Sahakari S. Ltd. V/s. Vinod Kumar Sharma & Ors. 2011 III CLR 386 (SC) wherein, the Hon'ble Apex Court in respect of such exploitation in the name of so called contract labourers or daily wagers observed that;

"This appeal reveals the unfortunate state of affairs prevailing in the field of labour relations in our country. In order to avoid their liability under various labour statute employers are every often resorting to subterfuge by trying to show that their employees are in fact the employees of a contractor. It is high time that this subterfuge must come to an end. Labour statutes were meant to protect the employees/workmen because it was realised that the employer and the employees are not on an equal bargaining position. Hence protection of employees was required so that they may not be exploited. However this new technique of subterfuge has been adopted by some employers in recent years in order to deny the rights of the workmen under various labour statutes by showing that the concerned workmen are not their employees but are the employees / workmen of a contractor or that they are merely daily wage or short term or casual employees when in fact they are doing the work of regular employees."

The Hon'ble Court further observed that;

"This Court cannot countenance such practices anymore. Globalisation / liberalisation in the name of growth cannot be at the human cost of exploitation of workers."

22. The Hon'ble Apex Court has shown utmost sensitivity in respect of implementation of Labour Legislations in Harjinder Singh V/s. Punjab State Warehousing Corporation 2010 I CLR 884 wherein it is observed that;

"The Preamble and various Articles contained in part IV of the Constitution promote social justice so that life of every individual becomes meaningful and he is able to live with human dignity. The concept of social justice engrafted in the Constitution consists of diverse principles essentially for the orderly growth and development of personality of every citizen. Social justice is thus an integral part of justice in the generic sense, justice is the genus, of which social justice is one of its species. Social justice is a dynamic device to mitigate the sufferings of the poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person."

23. These observations of Hon'ble Apex Court are eye opening and squarely applicable to the case at hand. The workmen herein are working since last more than 20 years continuously. They are doing the work of perennial nature. In spite of that the first party seems to have inducted some contractors and paying only minimum wages which is not sufficient in these days even to meet two ends of their families. It amounts to exploitation as has been observed in the above ruling. In the light of facts and circumstances of this case, I hold that that the contracts between the first party and the various contractors are found to be sham bogus and nominal. Accordingly I decide this issue no.1 in the affirmative.

Issue no.2 :-

24. In the light of discussions and finding of issue nos. 1 herein above it is clear that the contracts between the first party and the various contractors are found to be sham and bogus. The workmen under reference are working there since last more than 20 years continuously. They are doing the work of hazard and of perennial nature as has been discussed herein above. I therefore hold that these workmen are entitled to the declaration that they are employees of the first party. Thus they are also entitled to the pay, allowances and other benefits at par with the permanent employees on the basis of principle of 'equal work equal pay'. In this backdrop it needs no more discussion to arrive me at the conclusion that the workmen herein are the employees of the first party and there exists employer-employee relationship between them. Accordingly I decide this issue no.2 in the affirmative. Thus I proceed to pass the following order:

ORDER

- (i) The reference is allowed with no order as to cost.
- (ii) The intermediate contracts of the first party with various contractors are hereby declared as sham, bogus and nominal.
- (iii) The workmen under reference are declared as employees of the first party.
- (iv) The first party is directed to pay them the pay & allowances and give them status and all other facilities at par with the regular Class IV employees with effect from date of completion of two years of initial period of probation from the respective dates of their appointments.
- (v) The first party is directed to pay all the arrears of the respective workmen within six months; 50% in cash and the rest of the amount be deposited in their respective Provident Fund Accounts.

Date: 24.09.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 53/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/14/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/14/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 53/2013

Between:

Shri Manto Kumar,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/14/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Manto Kumar, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 53/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 54/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/15/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/15/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer
Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 54/2013

Between:

Shri Peetambar Sahu,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/15/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Peetambar Sahu, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 54/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 55/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/16/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/16/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014
INDUSTRIAL DISPUTE No. I.D. 55/2013

Between:

Shri Chumanal Sahu,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/16/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Sumanlal Sahu, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 55/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 56/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/17/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/17/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 56/2013

Between:

Shri Sambhu Sahni,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/17/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

"Whether the demand of Shri Shambhu Sahni, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 56/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3161.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स शापूरजी एवं पल्लोंजी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 57/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/2014 को प्राप्त हुआ था।

[सं. एल-29012/18/2013-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 3rd December, 2014

S.O. 3161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2013) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shapoorji & Pallonji Limited and their workman, which was received by the Central Government on 21/11/2014.

[No. L-29012/18/2013-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:

Smt. M. Vijaya Lakshmi,
Presiding Officer

Dated the 3rd day of September, 2014

INDUSTRIAL DISPUTE No. I.D. 57/2013

Between:

Shri Md. Goush,
C/o Peetambar Sahu,
Islampeta Junction, 1st floor,
Nanna Hotel, Visakhapatnam -530011.

....Petitioner

AND

The General Manager,
M/s. Shapoorji & Pallonji Ltd.,
A-9, 3rd floor, Street No.3,
Indian Airlines Colony, Begumpet,
Secunderabad - 500 003.

....Respondent

Appearances:

For the Petitioner : NIL

For the Respondent : M/s. C. Niranjan Rao,
M. Subramanya Sastry
& R. Trinath., Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/18/2013-IR(M) dated 22.3.2013 referred the following dispute between the management of M/s. Shapoorji Pallonji Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

Whether the demand of Shri Md. Goush, Ex-Contract Workman for payment of notice pay, retrenchment compensation, leave salary, Bonus, etc., for the period from November 2010 to September, 2011 by the management of M/s. Shapoorji Pallonji Ltd., (a sub-contractor of M.N. Dastur & Company in the Visakhapatnam Steel Plant, RINL), is legal and justified or not? If not, to what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 57/2013 and notices were issued to the parties.

2. The case stands posted for filing of claim statement.

3. Petitioner called absent and there is no representation. Once Petitioner received notice but failed to attend the court to make his claim. Later though notices were sent again and again, he failed to claim the same as per postal endorsement, which means knowing about the notice he failed to claim the same. In the circumstances, taking that Petitioner has no interest in the proceedings and that he got no claim to be made, 'Nil' award is passed.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 3rd day of September, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 22/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं.एल-20012/562/2001-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 22/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/562/2001-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Ref. No. 22 of 2002

PARTIES : The Vice President
Bihar Colliery Kamgar Union, Head Office
Refugee Market, Temple Road, Dhanbad.

Vs. The Project Officer,
Govindpur Colliery of M/s. BCCL PO:
Katrash, Dhanbad

Ministry's Order No. L-20012/562/2001-IR
(C-I) dt. 1.3.2002.

APPEARANCES:

On behalf of the workman/Union : Mr. B. B. Pandey,
Ld. Advocate

On behalf of the Management : Mr. D. K. Verma,
Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 30th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on then under Sec. 10(1)(d)

of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/562/2001-IR (C-I) dt. 1.3.2002.

SCHEDULE

"Whether the dismissal from service of Sri Ras Bihari Yadav by the Management of Govindpur Colliery Area -III of M/s BCCL is legal and justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No L-20012/562/2001-IR. (C-I) dt. 1.3.2002 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 22 of 2002 was registered on 01.04.2002 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of sponsoring Union for the workman is that workman Rash Bihari Yadav had been working as a permanent Miner Loader at Govindpur Colliery since long. But the anti labour Management malafide issued him the charge sheet dt. 10/13.5.1994 for giving false information about the particulars for the purpose of employment or concealment of any fact under clause 26.1.12 of the Certified Standing order of the Company, as he is the son of Kishun Yadav who is brother of Fagu Ahir, but the workman had mentioned his father's name as Fagu Ahir in the Identification/Verification report and other papers. Though the workman submitted his satisfactory reply to it, the Management conducted an invalid and irregularly departmental enquiry through a biased Enquiry Officer. The workman was not given full opportunity for cross-examination of the Management witness or for defence ones. No Change was proved in the enquiry. The findings of the enquiry Officer were perverse, and baseless. The copies of the enquiry report, proceedings and second show- cause notice were not supplied prior to passing the dismissal order. The workman was dismissed on the basis of invalid and irregular enquiry. The dismissal letter as issued by an unauthorized person. Despite several times representations of the workman against the illegal and arbitrary dismissal order, the management took no cognizance of it. Lastly, the Union raised the Industrial Dispute before the ALC(C), Dhanbad, but failure in its conciliation due to the antilabour attitude of the Management resulted in the reference for an adjudication. The dismissal of the workman from service by the

Management is neither legal nor justified. The action of the Management was illegal, unjustified, vindictive, against the principle of natural justice and the provision of the Certified Standing order of the Company. It was harsh and disproportionate to the alleged offence.

No rejoinder has been filed on behalf of the workman.

3. Whereas challenging the maintainability of the reference, the contra case of the OP/Management with categorical denials is that workman Ras Bihari Yadav had entered into the service as M/Loader on 26.11.1992 under clause 09.4.0. of the NCW-IV against the medical unfit case of one Fagu Ahir, an Ex-employee of M/s. BCCL. The workman had submitted all his papers, claiming to be son of Sri Fagu Ahir. One police verification, it was found that he was factually the son of Kishun Yadav, the brother of Sri Fagu Ahir. The above act committed by the workman constituted a serious misconduct, so the charge sheet was issued to him on 13.5.1994. The workman submitted his reply to the chargesheet, denying the allegation levelled against him. On consideration of his reply, the Management found it unsatisfactory. The Management appointed Sri Ganesh Prasad as the Enquiry Officer for conducting the domestic enquiry in accordance with the principles of Natural Justice. The Enquiry Office fairly conducted the domestic enquiry in which the workman fully participated. The Enquiry Officer submitted his enquiry report, having held the charges levelled against the workman established fully. The Disciplinary Authority dismissed the workman for his proved misconduct. The dismissal of the workman is legal and justified. The OP/Management has also sought the permission to prove the fairness of the domestic enquiry at a preliminary hearing, and in case of finding it unfair, then to allow to adduce evidence afresh for proof of the charge.

The OP/Management in their rejoinder has simultaneously categorically denied all the allegations of the workman as incorrect, and stated that the workman entered into the employment fraudulently.

FINDING WITH REASON

4. In the instant case, Mr. B.B. Pandey, Ld. Advocate for the workman by filing a petition duly seen by Mr. D.K. Verma, Ld. Counsel for the OP/Management in course of preliminary enquiry has submitted that the workman concedes to the domestic enquiry as fair and proper, and accordingly the domestic enquiry was held fair as per the order No.33 dt. 31.7.2013 of the Tribunal. It has resulted in the final argument of both the parties on merits.

Mr. B.B. Pandey, Learned Advocate for the workman Rash Bihari Yadav has submitted that he had got his compassionate appointment in place of his father, but he was issued the charge sheet that he has not the son of Fagu Ahir. According to him, the Enquiry Report (Ext.M.3) at the concluding Para 8 appears to have supported the case of the workman as adopted son of Fagu Ahir as such no change was proved against him, so he was allowed to resume his duty as per the Note sheets (Ext.M.4), despite

the fact the workman was illegally dismissed as per the letter dt.27/29.12.1997 (Ext.M.5) as it was decided by the Competent Authority to do so for giving false information in order to get his employment, and there was no second Show cause notice to the workman, so the dismissal of the workman was not justified.

In quick response to it, Mr. D.K. Verma, Learned Advocate for the O.P./Management has contended that the workman has all along misrepresented himself as the son of Fagu Ahir as apparent from his service record including his own affidavit dt.9th Sept., 1991 while getting the employment, but later on, in the course of the proceeding the workman firmly claimed to be the son of Fagu Ahir, his statement in his cross examination clearly expresses his ignorance of whether he was adopted son by Fagu Ahir or not or about his being as son of Kishun Yadav whereas the Police report at page 36 clearly affirms that the workman was not the son of Fagu Ahir, rather he was the son of Kishun Yadav, the brother of Fagu Ahir. Mr. Verma, Ld. Counsel for the O.P./Management has emphasized the fact that during the enquiry, it has been prime facie proved that the workman had fraudulently taken his employment as the son of Fagu Ahir whereas he was factually the son of Kishun Yadav, but later on the workman was alleged to be adopted son of Fagu Ahir as per plain agreement ("Ekrarnama") dt.10.09.1976 which was never produced at the time of his compassionate appointment in place of his Ex-employee Fagu Ahir in the year 1992. Mr. Verma thus submits that moreover the Enquiry Officer's report is not final and decisive, the Disciplinary Authority is entitled to take a different view and punish delinquent if found guilty as held by the Hon'ble Supreme Court in the case of State (NCT of Delhi) Vs. Ajay Kumar Tayagi reported in (2012)2SCC (L & S) 811 (CB): (2012)9 SCC 685. In the instant case, no criminal proceeding was against the workman a criminal for fraudulent representation. Mr. Verma submits that giving totally the false information by the workman for his fraudulent employment is a very serious misconduct under clause 26.1.12 of the Certified Standing Order for the workmen of Establishment under BCCL, so the dismissal of the workman from service of the Company by the OP/Management was quite proportionate to the grave nature of his misconduct, and it is legal and justified.

Considering the aforesaid facts after hearing the arguments of both parties, I find that the workman appears to have all along misrepresented as the son of Ex-workman Fagu Ahir, who stood his own uncle, with intent to get his compassionate employment in his place. It is a serious misconduct in the matter of employment as per the Certified Standing Orders of the Company applicable to its all employees; I am of the view that the dismissal of the workman for his aforesaid grave misconduct is quite proportionate to its nature.

In result, it is hereby awarded that the dismissal of Sri Ras Bihari Yadav from service by the Management of

Govindpur Colliery Area III of M/s. BCCL is quite legal and justified. Hence, the workman concerned is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 128/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं.एल-20012/564/2000-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 128/2001) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/564/2000- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 128 OF 2001.

PARTIES : The Secretary,
United Coal Workers Union,
PO: Toppo, Hazaribagh,

Vs.
Project Officer,
Tapin South Colliery of M/s. CCL,
PO: Tapin, Hazaribagh.

Ministry's Order No L-20012/564/2000
C-I dt.27.04.2001

APPEARANCES :

On behalf of the : Mr. C. S.Pathak,
workman/Union Union Representative

On behalf of the : Mr. Santosh Chandravesh
Management Management Representative

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 31st October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/564/2000 C-I dt.27.04.2001.

SCHEDULE

"Whether the nonpayment of L.T.C. and L.L.TC. for the Block year 1995-98 and 1999-2002 to the workman Sri Shyamlal B.P. by the Management of CCL, Tapin South Colliery is justified ? If not, to what relief is the workman entitled

On receipt of the Order No. L-20012/564/2000 C-I dt.27.04.2001 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.128 of 2001 was registered on 14.05.2001 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own representatives appeared in, and contested the case.

2. The case of the sponsoring Union for workman Shyamlal B.P. Clerk G.II/LDC is that he is an Office Bearer and very active member of the United Coal Workers Union (AITUC), so he has been victimized and harassed for his Trade Union activities particularly agitation against Coal Mafia. He had availed of leave from 6.4.1998 to 13.4.1998 for availing LTC for the block year 1995-98 as per the NCWA which was duly sanctioned. The leave wage for the period was paid, but the LTC bill having been submitted on 20.4.1998 was returned unreasonably. The workman again availed of the leave from 9.2.1999 to 22.2.1999 for availing LLTC for the block year 1999-2002 as per NCWA which is a condition of service. The leave salary was paid, but likewise the LLTC bill was refused arbitrarily. When the respective leaves had been sanctioned, and have been paid, there is no rule or authority to withhold or refuse LTC or LLTC Bills mala fide to cause him economic loss. Further with a view to victimize the workman, the O.P./Management out of conspiracy alleged a complaint against the workman as an imposter that there appears to be no such person as "M.Singh". It is prima facie fictitious complaint. The workman was antedatedly served with the charge sheet cum suspension order on 23.2.1999 by dating it as 8.2.1999. No supporting materials and relevant documents were provided despite the demand of the workman. Yet an

enquiry was ordered. Thus, the opportunity to reply the chargesheet passed. The Charge sheet was originally issued under Certified Standing Order. At the demand of its copy, it was modified as Model Standing Order which is legally a nullity, as the Certification of CCL Standing Order on 8.7.1991 was applicable to all the establishment of CCL. The alleged Model Standing Order was repealed. No proceeding can be held under the provision of the alleged Model Standing Order. The charge was clearly biased on Vigilance enquiry report. No supply of the relevant documents including the statement of witnesses to the delinquent workman is violative of the principle of natural justice. No Model Standing Order provides for appointment of a Management's Presenting Officer, who was highly Qualified and trained, whereas the representation of the delinquent through a legal practitioner was refused. So the alleged enquiry was merely a formality. The CCL Certified Standing Order provides for representation of the delinquent by Trade Union Official, but not for as Representing Officer or Management Representation. The Enquiry Officer was dictated by Vigilance Office who was appointed as the Presenting Officer. The Enquiry Officer was seriously biased, failing to work as Quasi Judicial Authority. No Co-worker of the workman was released to assist him. Unfair Labour Practice is punishable under provisions of Sec.25 U of the I.D.Act 1947. Thus it has been alleged for payment of LTC & LLTC for the relevant block years to the workman.

3. The Union Representative in the rejoinder for the workman has specifically denied all the allegations of the OP/Management, further alleging that LTC and LLTC are well established conditions of service not open to adverse change without compliance of provisions under Sec.9A of the I.D.Act, 1947. The Suspension Order Charge sheet are subsequent events having no retrospective effect as also represented in the written statement of the workman in the Ref No.185/2001. The identity of the workman was never in dispute at any time during service of over 25 long years under CCL. As admitted the LTC and LLTC that became legally due have been refused payment arbitrarily without hearing. No employer has absolute power to punish the workman without hearing. So the workman is entitled to payment for availed LTC and LLTC.

4. Adversely the case of the O.P./Management with categorical denials is that the alleged workman is an impersonator impersonating Late Shyamlal B.P. who was an employee of M/s CCL and died on 19.7.1976 at his native village Taldeori in Madhya Pradesh. The workman concerned fraudulently entered into the service of CCL at Tapin South Colliery by impersonating Late Shyamlal B.P. When the matter came to knowledge, the Management initiated the departmental proceeding against him and put him under suspension as per the Charge sheet-cum-Suspension Order dt.8.2.1991. On holding fair and proper domestic enquiry giving him full opportunity, the Management dismissed the workman from the services of the Management for his proved misconduct. As he failed

to prove his Identity. Since alleged workman is not real Shyamlal B.P., he is not entitled to receive any amount payable to Shyamlal B.P. The workman had proceeded on leave from 9.2.1999 to 22.2.1999, but to the next date of his being placed under suspension. Hence, the payment of LTC or LLTC does not arise. LLTC payment not effected, as disciplinary proceeding of severe nature was pending against the workman; lastly on proof of the charge, he was dismissed. The Union raised the present Industrial Dispute just to defeat the Departmental /Disciplinary proceeding initiated against him by the Management.

The O.P./Management in its rejoinder has categorically denied the allegations of alleged workman, and stated that the Office Bearer of a Trade Union has not been granted immunity by any law from the disciplinary proceeding, which was pending against the workman for the severe charge at the relevant time. He deliberately did not submit his reply. At the relevant time, the Model Standing Order was applicable in the establishment of the Management.

FINDING WITH REASON

5. In the instant reference, WWI Shyamlal B.P. on behalf of the Union and MWI Gautam Kumar Acharya, the General Mazdoor Cat.I at Tapin Project for the O.P./Management have been respectively examined.

Mr. C.S. Pathak, the Union Representative for the workman petitioner has to submit that petitioner Shyamlal B.P. was not paid the LTC and LLTC for Rs.5,508/- and Rs.10,224/- bill for the Block years 1995-98 and 1999-2002 respectively, though he had availed of the same with his sanctioned leaves, and the payments thereof were admittedly proceeded by the O.P./Management. According to him, the workman had taken due leave from 6.4.1998 to 13.4.98 duly sanctioned (Ext.M.1/1) and availed LTC; and he submitted the bill on 20.4.1998 (Ext.W.1) for its expenditure of Rs.5,588/-; likewise on his leave from 9.2.1999 to 22.2.1999 duly sanctioned as per Ext.M.1/2 for availing his sanctioned LLTC, he also claimed for the incurred expenditure Rs.10,224/- over it as processed by the O.P./Management as per Ext.W.2, but the O.P./Management has not paid off the due amount of the petitioner for his aforesaid availed leaves as per prevalent provisions of NCWA-V and VI respectively on the irrelevant ground that petitioner workman was served with charge sheet-cum-suspension letter just after return from LLTC on resumption on 23.2.1999; thus the claim of the workman petitioner for it is alleged to be justified.

Adversely the contention of Mr. Santosh Chandravesh, the Asstt. Manager (Pers.) as the Representative for the OP/Management is that none of the Bills as allegedly filed by the workman petitioner has been docketed in the office of the O.P./Management, that he has not referred to by which he had travelled; if he had stayed in 5-Star hotel in place of 3-star one, he would be entitled to payment only for his entitled stay at 3-Star Hotel which

would payable on production of his bill only. Mr. Chandraves for the O.P./Management submits that so far as the claim for LLTC from 9.2.1999 to 22.2.1999 total 13 days is concerned, it is unsustainable, as he was already suspended w.e.f. 8.2.1999; therefore, the workman/petitioner is not entitled to any relief.

On perusal and considerations of the materials available on the case record, I find that admittedly the workman/petitioner on his two applications dt. 2.4.98 and 21.1.1999 was granted his EL from 6.4.98 to 13.4.98 and 9.2.1999 to 22.2.1999 for his LTC and LLTC as evident from Ext.M.1 and 1/2 respectively. The LPC of the workman for the month of Feb.1999 (Ext.M.1) defies and unsubstantiates his suspension in Feb., 1999. But out of three documents, the affidavit as sworn by the workman on 5.5.2005 before the Execution Magistrate, Ranchi (Ext.W.3) as his evidence being his personal facts of the LTC and dismissal is unsustainable. But petitioner could not be able to prove whether he submitted in the office of the O.P./Management his bill for LTC Form M-A (Ext.W.2) along with Form D for the Block year 1999-2002 and details of fares claimed for both in the office. Out of these documents in original, the LTC for the said period 1995-98 (Ext.W.1) appears to show its processing up to the SOM/CM/TSC, but the words "Entry of S. Book is required " by the concerned Authority meant not fully passed or processed to its finality by the Dy.F.M./TSC and PO/TSC. Rest documents /Forms (Ext.W.2) are in the pen and signatures of the workman/petitioner. Not a single receipt of his factual travelling up and down has been produced and proved. These very facts of the workman/petitioner make his claim for payment LTC or LLTC totally vague.

In result, it is, in the terms of the reference, hereby responded and awarded that no payments of LTC & LLTC for the Block years 1995-98 and 1999-2002 to the workman Shyam Lal BP by the Management of CCL, Tapin South Colliery in lack of proof of his bills with requisites concerned having been submitted in the office of the O.P./Management is justified. The workman is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 88/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/60/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/60/2005- IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Ref. No. 88 of 2005

PARTIES : The Exec. Member,
Bihar Colliery Kamgar Union,
Block-E, Sector II, Bhuli,
Qr. No. 483, P.O. Bhuli—D Block,
Dist : Dhanbad.

Vs.

Project Officer,
Incline Mines, Sudamdih of M/s BCCL,
PO: Sudamdih, Dhanbad.

Ministry's Order No. L-20012/60/2005-.IR
(C-I) dt.13.9.2005.

APPEARANCES :

On behalf of the workman/Union : Mr. A. K. Sharma
Ld. Adv.

On behalf of the Management : Mr. U. N. Lal
Ld. Adv.

State : Jharkhand

Industry : Coal

Dhanbad, the 31st October, 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/60/2005-IR (C-I) dt.13.09.2005.

SCHEDULE

"Whether the action of the Management of Incline Mine, Sudamdih of M/s. BCCL in dismissing Sri Sengrai Munda, working as D.C.P. w.e.f. 29.7.2004 is justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/60/2005-IR (C-I) dt.13.09.2005 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.88 of 2005 was registered on 06.10.2005 and

accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld.Counsels appeared in, and contested the case.

2. The case of sponsoring Union Bihar Colliery Kamgar Union (BCKU), Bhuli for workman Sengrai Munda is that he was a permanent employee of Incline Mine, Sudamdih, working as DCF under M/s. BCCL, P.O. Sudamdih, Distt. Dhanbad. He had been sincerely and punctually performing his duty under the management since his appointment on 12.1.1993. He was unable to attend his duty from 23.06.2001 due to unavoidable circumstances of his prolong sickness. So his dismissal by the Management w.e.f. 29.7.2004 is absolutely illegal and unjustified, as the entire family of the workman used to live at his native village, but he was living bachelor, and due to his sudden illness and being not in good condition, he could not personally informed the Management, though through his neighbour co-worker had informed the Management of it, and about his going to his native village for better treatment.

The Management charge sheeted the workman on 03.09.2001, but he could not replied to it, as he had got its copy. He had got only the letter dt.30.5.2002 from the Incline Mine about his unauthorized absentism from duty from 23.6.2001, a misconduct, wilful or habitual absence unreasonably under clause 26:1:1 of the Certified Standing Orders. But the workman submitted to have violated the standing orders of the Company. The fact and circumstances were too critical for him to personally inform. Just after the issuance of the charge sheet, the Management set up the domestic enquiry, by appointing Sri C.S.Dubey as the Enquiry Officer and Sri A.K.Singh, the Head Clerk as Management Representative respectively. But the workman had no knowledge of it. The enquiry was conducted in absence of the workman quite illegal and arbitrarily, as no chance was given to the workman for his defence. The Enquiry Officer had not followed the rules of law. The Management had no right to dismiss him without giving a chance for his defence. Hence the Industrial dispute after due consideration of the facts by the Government of India was referred for an adjudication.

3. Whereas the contra case of the O.P./Management is that the employer had submitted all the details of it in the Industrial Dispute raised by the Union concerned. Workman Singrai Munda, DCF at incline Mine, Sudamdih, was issued the charge sheet dt. 3.9.2001 through Regd. Post for his unauthorized absence w.e.f. 23.6.2001 under clause 26.1.2001 of the Certified Standing Orders of the Company. When no

reply to it was received, the Disciplinary Authority as per his decision got the matter enquired into by the Enquiry Officer by appointing him and the Management Representative as per Memo dt.01.10.2001. Despite three Notices for Enquiry on 16.10.2001, 15.1.2002 and 19.3.2002, the workman did not participate in it unreasonably, the enquiry was ex-parte held. The Enquiry Officer thereafter submitted his enquiry report to the Disciplinary Authority. The 2nd Show-Cause Notice along with a copy of the Enquiry report was issued to the workman for his response within 15 days. Lastly, the Disciplinary Authority as per his Order dt.25/29.7.2002 dismissed the workman after the approval of the Competent Authority as per the Note Sheet dt.10.7.2002, instructing the workman to collect his terminal benefits from the office after handing over the quarter and tools, if any, of the Company.

Previously, the workman was awarded with punishment of his increments stoppage as per the Office order No 1413 dt.7.4.2002 for his charge sheets dt.7.7.01 and 18.10.2000, as his last three years attendances were 88,121 and 51 days in the years 1999 to 2001 respectively. Ample opportunity was given to the workman for his defence in his case. On considering all the facts including the findings of the Enquiry Officer, the Disciplinary Authority rightly imposed on him the punishment of his dismissal for the proved charges of misconduct. So the action of the Management in dismissing the workman w.e.f. 24.7.2004 is quite fair and proper. Hence, he is not entitled to any relief.

The O.P./Management in their rejoinder has categorically denied all the allegations of the workman as incorrect, further alleging the workman to have received the 2nd Show Cause Notice/letter dt.30.6.2002 as evident from Para 9 of his written statement. Permission has been sought for adducing evidences on merits, if the enquiry found to be unfair at preliminary.

FINDINGS WITH REASONS

4. In the instant case of dismissal, on the evidence of the MWI Arun Kr.Singh for the O.P./Management at preliminary issue, but due to the failure of the workman in producing any evidence at it, it was found and held the domestic enquiry as fair and proper as per the Order No.41 dt.11.2.2014 of the Tribunal. So it has resulted in hearing the arguments of both the parties on merits.

Even at the eleventh hour, neither the Union Representative nor any one appeared to argue in spite of giving ample opportunity for it. At last, Mr.U.N.Lal, Learned Advocate for the O.P./Management submits that the workman has been a habitual absentee from duty unauthorisedly as vivid from his past record of the his service; so the action of the Management in dismissing the workman from the service of the Company is undoubtedly justified as well as legal, as the punishment of dismissal to the workman for his frequent misconduct of habitual absentism is proper and proportionate to the nature

of his habitual misconduct; therefore, the workman is not entitled to any relief.

On perusal and due consideration of the materials on the case record, I find that the workman has been accustomed to habitual absentism unauthorizedly as his previous record of his service stands, so I am of the view that the punishment of dismissal awarded to the workman for his habitual conduct of will full absentism appears to be quite just and proper. The Labour Law never recognizes any relaxation in favour of willful habitual absentee workman in the industry of Coal where its production totally depends upon the work of a workman.

In result, it is, in the terms of the reference, hereby responded and accordingly awarded that the action of the Management of Incline Mine, Sudamdih of M/s BCCL in dismissing Sri Sengrai Munda, working as D.C.P.w.e.f.29.7.04 is absolutely justified. Hence, the workman concerned is not entitled to any relief except to the Gratuity and other terminal benefits on his application to the O.P./Management.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 116/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-20012/265/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 116/1997) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL, and their workmen, received by the Central Government on 03/12/2014.

[No. L-20012/265/1996-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 116 OF 1997

PARTIES : The President,
Rashtriya Colliery Mazdoor Sangh,
Rajender Path, Dhanbad.

Vs.

Chief General Manager,
Block II Area of M/s. BCCL,
PO: Nawagarh, Dhanbad

Ministry's Order No L-20012/265/96-
IR(C-I) dt. 24.10.1997

APPEARANCES :

On behalf of the : Mr. O.P. Verma, Ld. Advocate
workman/Union

On behalf of the : Mr. D. K. Verma, Ld. Advocate
Management

State : Jharkhand Industry : Coal
Dhanbad, the 27th October, 2014.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/265/96-IR(C-I) dt.24.10.1997.

SCHEDULE

"Whether the action of the General Manager, Block II Area of M/s BCCL in denying to regularise the services of Shri Satish Kumar Verma, Underground Munshi as Loading Supdt./inspector with full benefits is justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. 20012/265/96-IR(C-I) dt.24.10.1997 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No.116 of 1997 was registered on 20.11.1997 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Learned Counsels appeared in, and contested the case.

2. The case of workman Satish Kumar Verma as sponsored by the Rashtriya Colliery Mazdoor Sangh is that he had been working as Underground Munshi since his appointment in the year 1981 at Govindpur Colliery under Govindpur Area of M/s BCCL. Due to his sincerity and

honesty, on his deputation by the Management for the job of Loading Supervisor in Road Sales Dispatch Department on 26.8.1986, since then, he has been continuously performing his duty till April, 1994. Even on his transfer to Block II Area at B Nudkharkee Colliery as informed by the Area Personal Manager of Govindpur Colliery through the letter No.GM/Ar III/PD/Date 14/15.4.1995 to the Personnel Manager of Block II Area, the workman has been performing the same job. The Management of Nudkharkee OCP had confirmed his demand for regularization and had for further necessary action as per the letter dt.5/4th June, 1996 of the Project Officer to the Personnel Manager, Block II Area. The Union had also demanded for his regularization in the post of the Loading Supervisor with other benefit as per the decision of JBCCI/NCWA. Lastly an Industrial Dispute was raised by the Union before the ALC®, Dhanbad, but the failure of conciliation on the part of the Management despite the ability and experience of the workman as the Loading Supervisor /Inspector finally resulted in the reference for an adjudication. The Tenure of the workman performing the job as assigned as the Loading Supervisor/ Inspection was more than 11 years. So it is alleged that the workman is legally entitled to regularization on the post of the Loading Supervisor/Inspector with full back wages and other benefits as per its proper pay scale since 26.6.1986.

3. In the rejoinder filed by Mr.O.P.Verma, the Learned Advocate for the workman, all the allegations of the O.P./ Management have been specifically denied as incorrect, further alleging that the Experience Certificate to that effect was also issued by the Dy.CM.E./Agent of Govindpur Colliery to the workman who has a Bachelor Degree fin/ Ranchi University. Though he is at present a clerk in Grade I Scale. The Competent Authority has time to time also regularized Sr.Clerk Grade Special (in several Section as Sri Aghanu Ram on the post of Loading Supervisor/ Inspector). There is no need for any vacancy for the regularization. The Management of Block II has transferred to workman to Benedih Weight age as U.G.Munshi working as Loading Supervisor; and the L.P.C. and Identification Certificate have been issued by the Management in his favour. So the workman's claim for it is genuine and legal.

4. Whereas the case of the O.P./Management with specific denials is that there is no rule to regularization on the Underground Munshi as the Loading Supervisor/ Inspector. As per the JBCCI circular No. 38 dt. 25.9.1984 Annexure III-3 Cadres Scheme has been incorporated for the Loading personnel. According to it, any permanent employee with Matriculation or equalvent Certificate duly granted by any University or Board of examination can be selected as Assistant Loading Clerk in Clerical Grade III by the Selection Committee. All eligible candidates of requisite qualifications working in all the collieries of the Area are given equal opportunity. The promotion from Asstt. Loading Clerk with requisite experience can be made to the post of the Loading Clerk Grade II on the recommendation of the DPC. The Loading Clerk with the minimum 3 years of working experience in Grade II is promoted to the post of

Asstt. Loading Inspector/Asstt. Loading Superintendent in Technical and Supervisory Grade C who gets promotion to that of the Loading Inspector/Loading Supervisory Grade B after minimum five years service as Asstt.Loading Inspector. Thus the eligibility criteria fixed in the Cadre Scheme can not be abrogated by an officer of the Company. So an Underground Munshi either in Clerk Grade III or Grade II can not be directly eligible for promotion as the Loading Inspector/Loading Superintendent in Tech. & Supervisory Grade B. The JBCCI circular strictly prohibits any favourtism of an officer or the Agent of the Colliery in collusion with some leaders towards there selective workers in the matter of promotion. As such the present demand of the workman for regularizations sponsored by the Union is quite unfair.

The O.P./Management in their rejoinder has categorically denied all the allegations of the workman as concoctions and incorrect. The workman is not entitled to any relief.

FINDING WITH REASONS

5. In the reference WWI Satish Kumar Verma, the workman on behalf of the union concerned and MWI Benedit Xalxo, Sr.Manger (Pers), Block II OCP, Baghmara for the OP/Management have been respectively examined.

In the instant reference on perusal of the material available on the case record, it appears to he no dispute that the workman was initially appointed as M/Loader at Govindpur Colliery in the year 1981. It can not be denied that the post of the Loading Supervisor in T & S Grade B is very senior post. Between the Loading clerk and the Loading Supervisor there are many posts Loading Clerk Gr.II, Asstt.Loading Inspector and the Loading Inspector. The indisputable facts are that the work of the workman as Munshi was in the underground as contrasted with the Loading work which is done at Colliery dept, Railway sidings as well as road side on the surface. The workman has admitted that on the Weight Bridge, the weight of the loaded and unloaded vehicles are recorded; accordingly no questions about the duty of the Loading Supervisor there. The workman also undoubtedly appears to have admitted in his cross examination that the Management had not issued any order for transfer from the underground to work as the Loading Supervisor on the road Side.

Mr. O. P. Verma, the Ld. Counsel for the workman has submitted the workman by virtue of the office order (dt.25.6.1986)(Ext.W.1 with objection) has been though designated as the Munshi, yet working for 18 years as Loading Supervisor all along in different Collieries of the O.P./Management as evident from his documents: the transfer Orders (Ext. W.4,5) the four letters of the Project Officers concerned (Ext.W.8 -8/1) and the LPC issued by the Personnel Manager, Block II OCP (Ext.W.9) respectively, but despite his several representations as per his carbon copy letter dt.01.02.1995 (Ext.W.3) to the Project Officer of Nudkharkee Colliery, he was not regularized as the Loading

Supervisor, so he is entitled to it. The Learned Counsel Mr. Verma has based his argument upon the ruling of the Hon'ble High Court, Jhrkhand, referring L.P.A.179/2012, Employer-Management of Rajhara Colliery M/s BCCL Vs. President Rajhara Colliery Mazdoor Sangh, wherein 287 casual Wagon Loaders were ordered by the Tribunal concerned to be regularized as permanent workmen, as they were working as casual wagon Loaders for more than three decades, and since other similarly situated workers were earlier regularized. So the Hon'ble High Court was pleased to uphold the order passed by the Tribunal, directing appellant Management to regularize them as justified. (Para 2, 37).

On the other hand, the polite contention of Mr. D. K. Verma, Ld. Advocate for the O.P./ Management is that in the terms of the reference under an adjudication firstly the Reference itself is vague as claimed for regularization as Loading Supervisor/Inspector, because admittedly the workman was never selected for either of the two posts; the application of the workman (Ext.W.1 with objection) for seeking permissions to work in the Road Sale which was allowed his claim is based on is not an authority for working in Loading Section in which the highest post is the Loading Supervisor. The very admission of the workman is that the Management except the purported authority never issued any authority to him to work as Loading Supervisor. Moreover, no person can be selected except through the D.P.C. for the post of the Loading Supervisor as per the Cadre Scheme. It is settled law as held by the Hon'ble Apex court in the case of Secy.State of Karnataka Vs. Uma Devi (2006)(3)SSC (L & S) 753 that over constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure the unequals are not treated as equals; thus any public employment has to be in terms of the Constitutional Scheme. Adherence to Articles 14 and 16 of the constitution is a must in the process of public employment. Long continuance of such employees on irregular basis in public employment, if violated, they can not claim to be treated on par with those who have been regularly recruited on the basis of the relevant rules. (Para 1 and 48).

Having heard both the learned Counsel for the respective parties, and on perusal and considerations of the materials available on the case record, I find that the workman prima facie appears to have himself sought on his own application dt. 26.6.1986 (date digit 6 over written as 5) for permission to work as Road Sale Dispatch from 26.6.1986 as ordered by the Agent concerned (Ext.W.1) which is virtually no authority for working as the Loading Inspector. Only designation of the Loading Inspector as noted and added to the inherent post of UG Munshi of the workman as per his few relevant documents can not confer on the workman any right to claim his regularization. The official letter dt.22/25.2.96 of the Project Officer concerned (Ext.W.8/1) proved that the workman had got his Grade (I)

from 01.07.1995 under SLU. His Ext.W-9 is not his LPC, rather it is his Identification Certificate with illegible date on his transfer. In such situation, the argument of Mr. D.K.Verma, Ld.Counsel for OP./Management appears to outweigh that of Mr.O.P.Verma, Ld.Counsel for the workman whose cited ruling being mark off the point holds not good with the factum of the reference case. In the light of the findings, it stands clear that the case of the workman is absolutely concocted and baseless.

In result, it is hereby in the terms of the reference, responded and accordingly awarded that the action of the General Manager, Block II Area of M/s. BCCL in denying to regularize the services of Shri Satish Kumar Verma, Under Ground Munshi as Loading Supervisor/Inspector with full benefits is quite justified as well as legal. The workman concerned is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (48/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/15/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 48/2009 of the Cent. Govt. Indus.Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/15/2009-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH

Case No. ID 48 of 2009. Reference No. L-12012/15/2009-IR(B-II) dated 18.08.2009.

Sh. Taranbir Singh S/o Sh. Sardar Surjeet Singh, House No.397, Phase-2, 2nd Floor, Mohali(Chandigarh).

...Workman

Versus

1. The General Manager, Northern Zone, Bank of Baroda, Zonal Office, Bank of Baroda Building, 16-Sansad Marg, New Delhi.

...Respondent

Appearances

For the Workman : Sh. P.K.Longia Advocate.

For the Management: On the date of argument none appeared for Management;

Award Dated:-07.11.2014

Government of India Ministry of Labour vide notification No. L-12012/15/2009-IR(B-II)dated 18.08.2009 has referred the following dispute to this Tribunal for adjudication:

Term of Reference:

"Whether the action of the Management of Bank of Baroda in imposing a penalty of 'Removal from Bank's service without disqualification for future employment' on Sh. Taranbir Singh is legal and justified? What relief the workman is entitled to?"

2. Workman in the claim statement submitted that he was appointed in the Traders Bank Ltd. on 13.02.1983 at Delhi. Later on the Bank merged in the Bank of Baroda. In the June, 2000 some of the relatives of the workman made complaint against him to the bank and to the SSP Ludhiana. Those complaints were investigated into by SSP Ludhiana and finding no substance the same were dropped. The business as alleged by the relatives of the workman was actually promoted by the wife of the workman independently and due to heavy losses in the business by his wife, she went into depression and for that reason she was not to be left alone for a second and workman was also upset due to her illness. The workman reluctantly intervened with the persons involved in her business. The children of the workman were aged 13 and 9 years respectively and the workman had to spent time for his family due to the condition of his wife. The workman was also fell ill and remained under treatment of a specialist at Faridabad for four months together and during this period the relatives complained against the workman to the bank authorities whereas the wife of the workman was running the business independently. The workman never used the name of the bank or misused his official position and there was no financial lose to the bank and no party had involved of the bank in any case. Vide order dated 11.08.2001 the workman was removed from service.

3. The workman was charge sheeted on 14.05.2001 containing a stipulation that the departmental inquiry would be held and inquiry officer Sh. A.K.Sodhi was appointed for conducting departmental inquiry. This order appointing the inquiry officer was also included in the charge sheet. The management meanwhile issued circular dated 14.12.2000 calling upon the employees for seeking voluntary retirement under the scheme which contain certain

additional incentive over and above the usual terminal dues. The workman applied under the said scheme for voluntary retirement vide application dated 14.02.2001 but the same was rejected by the management vide letter dated 25.04.2001 on the ground of contemplated disciplinary proceeding. The workman filed appeal against the decision of refusing the voluntary retirement. It is further pleaded by the workman that after receipt of charge-sheet dated 14.05.2001 he became apprehensive that appellate authority would not allow the workman for voluntary retirement and workman persuaded the matter through his union representative Sh. M.M.K. Joshi. The aforesaid representative of the union learnt that if the workman did not drag on departmental inquiry and got it concluded even if by admitting the guilt, the offer of workman for voluntary retirement could be considered on the conclusion of the departmental proceeding. Accordingly without contesting, the workman requested the investigating officer to advance the inquiry from 25.05.2001 to 22.05.2001 on which date the workman appeared before the investigating officer and admitted the charge sheet writing on the charge-sheet accepted against each and every charge/allegations because of the anxiety of the workman to get the proceeding concluded at the earliest which according to the workman, an understanding conveyed to the workman between the union and the management would have entitled workman to have his offer to the voluntary retirement considered by the management favourably. Due to this reason the departmental inquiry was concluded in few minutes and inquiry officer gave his finding holding the charges proved. It is also brought to his notice that the presenting officer did not produced his evidence neither documentary nor oral and word written has accepted against each and every allegation by the workman was sufficient. The workman was further called upon to give his comments on the finding dated 22.05.2001. The disciplinary authority proposed the punishment of removal from service without disqualification for future employment on 27.06.2001. The appeal of the workman against decision of refusing to entertain the offer of the workman seeking voluntary retirement from the service on 12.05.2001 was dismissed on 20.07.2001. The workman's submission dated 26.07.2001 against the proposed punishment of removal from service precisely stated that indirect acceptance of the allegation was procured from the workman on the solemn assurance that the services of the workman will not be dispensed with and such type of assurance in the circumstances does not amount to confession of guilt on the part of the workman and bank management facilitated their designing removing the workman from service on the ground of alleged acceptance of the charges by the workman. It is submitted by the workman that he accepted the charges on the assurances that he would be allowed to avail of the voluntary retirement in view of his earlier conclusion of departmental proceeding. The appeal against the order of the disciplinary authority was also rejected. It is prayed by the workman that the punishment imposed was not based on material on record

and it is a case of denial of opportunity of hearing and condemning the workman without hearing. It is prayed that punishment of removal from service may kindly be set aside and the workman may be ordered to be reinstated in service with all consequential benefits.

4. Written statement filed by the management. Preliminary objection has been taken that workman holding all position of trust where honesty and integrity are inbuilt requirements of functioning and the punishment is commensurate to the gravity of the misconduct committed by the workman. On merits the management submitted that the workman committed gross misconduct and on the basis of facts and material available disciplinary proceeding initiated against the workman vide charge sheet dated 14.01.2001 which contain the following charges:-

"It has been reported against you as under:-

1. That you have been running an investment company by name of "R.K. Investments" and a Lucky Draw Scheme by name of "Abchal Lucky Scheme", with both having their offices at 1160 Phase-I, Urban Estate, Dugri Road, Ludhiana. That the following corroborative facts substantiate that the aforesaid "R.K.Investments" and "Abchal Lucky Scheme" are run by you.

(a) The offices of "R.K.Investments" and "Abchal Lucky Scheme" are situated at 1160, Phase-I, Urban Estate, Durg Road, Ludhiana, which happens to be your residence.

(b) The visiting card of "R.K.Investments" showing it to be dealing in LIC, UTI, Shares, Mutual funds bears your name as :T.S.Oberoi:, which shows that you are the proprietor/principle functionary of the company.

(c) A news report was carried by "The Indian Express" dated 6.6.2000 in its Punjab News Line Section, with heading as "Bank Employee dupes residents of Rs.1 Cr.". In the said news report it was stated that the Computer Operator of Focal point branch of Bank of Baroda (who happens to be you) has duped several people of nearby Rs.1 Cr. by floating lucky schemes. Another news report was carried in a Hindi news Paper stating that you have duped people of Rs.72000/-.

(d) The bank has received complaints made by various persons as detailed below wherein it has been stated that you have lured them to join the lucky draw schemes run by you and on maturity of the schemes you have defaulted in payment. It has also been complained that in respect of money owed by you to the complainants you had issued them cheques which have bounced.

(i) Complaint dated 31.03.2000 given to Chief Manager, SSI branch, Ludhiana by Mr.Gurdeep Singh, Mrs. Arashbir Kaur, Mr.Ajit Pal Singh. Mrs.Rajinder Kaur, all residents of 212-E, BRS Nagar, Ludhiana.

(ii) Complaint dated (Nil) sent to Sr.Supt. of Police, Ludhiana by Mrs. Arashbir Kaur and Mr.Ajit Pal Singh.

(iii) Complaint dated 26.4.2000 sent to Asstt.Gen.Manager, Bank of Baroda, Chandigarh by Mrs.Arashbir Kaur.

(iv) Complaint dated (Nil) given to Chief Manager, SSI Branch, Ludhiana by 11 persons including one Mr. Parmod Madaan, Madaan Shocker Repair, 378-Bhai Bala Chowk, Ferozepur Road, Ludhiana-141002.

(v) Another complaint dated 'Nil' sent to the Chief Manager, SSI Branch, Ludhiana by Mr. Paramod Madaan with copies endorsed to various authorities.

(e) The aforesaid complainants have sent to the bank, copies of pass books of "Abchal Lucky Scheme" issued to various persons as detailed below, which have been filed by you. The fact that you have filled the lucky draw scheme pass books evidences that the said lucky draw schemes were run by you.

Pass book of "Abchal Enterprises":-

(i) Sarabjit Singh Namdghar, Membership No.-42

Pass Books of "Abchal Lucky Schemes No.-2

1. Mr. Saurabh Chhabra	Membership No.-36
2. Mr. Subhash Madaan	Membership No.-79
3. Mr. Shakti Mehendru	Membership No.-124
4. Mr. Iqbal	Membership No.-176
5. M/s. Taveen Investmtnes	Membership No.-101
6. M/s. Taveen Investments	Membership No.-163
7. M/s. Taveen Investments	Membership No.-17
8. M/s. Taveen Investments	Membership No.-71
9. Mr. Gurdip Singh	Membership No.-8
10. Mrs. Arshbir Kaur	Membership No.-34
11. Mrs. Rajinder Kaur	Membership No.-136
12. Mr. Ajit Pal Singh	Membership No.-56

(f) legal notices were issued to you on behalf of Mr.Gurdeep Singh, Mr. Ajit Pal Singh. Mrs. Arashbir Kaur & Mrs. Rajinder Kaur demanding payment of overdue amounts. There have been exchange of legal notices between you and several other persons making claims and counter claims of money owed. All these show that you are engaged in financial dealings with several persons.

(g) You had issued seven cheques bearing No.145001 to 145007 drawn on your OD A/C/ No.65003 to third parties and subsequently you have given stop payment instructions to the bank in respect of the same. It shows that you are involved in financial dealings with various persons and owe them huge amount.

(h) You had taken loan of Rs. 170000/- on 15.5.1999 and Rs. 75000/- on 26.8.1999 from one Mr. Parmod Madaan of M/s Madaan Shocker Repair, 578-Bhai Bala Chowk, Ferozepur Road, Ludhiana-141002 which shows that you are dealing in financial matters and incurring heavy indebtedness.

(i) Another complainant, Mr. Anil Narang has alleged that you have defaulted in payment of Rs.683250/-(Rupees six lakh eighty three thousand two hundred fifty only).

You are, therefore, charged as under"-

(i) By running investment company/lucky draw scheme, you have engaged yourself in business/gainful activities out side the scope of your duties which constitutes "Gross Misconduct" under Clause 19.5(a) of the Bipartite Settlement.

(ii) By luring the public to invest in investment company and lucky draw schemes floated by you and duping them subsequently which has resulted in the said duped persons complaining to the bank and adverse newspaper reports, you have committed acts prejudicial to the interest of the bank, which constitutes "Gross Misconduct" under Clause 19.5 of the Bipartite Settlement.

(iii) By incurring huge indebtedness from various persons, you have committed acts which constitute "Minor Misconduct" under Clause 19.7(1) of the Bipartite Settlement.

The enquiry will be conducted by Mr. A.K. Sodhi, Sr. Branch Manager, Samrala Road, Ludhiana branch who will advise you the date, time and place of enquiry.

You may give your written statement in your defence to the enquiry officer atleast 3 days before the date of enquiry."

You will be permitted to be defended by a Representative of a Registered Trade Union of Bank Employees of which you are member on the date first notified for the commencement of enquiry and if you are not a member of any Trade union of Bank employees on the aforesaid date, by a representative of registered trade union of employees of the bank in which you are employed.

You will be allowed to produce your evidence to examine witnesses in your defence and to cross-examine the witnesses brought by the bank against you at the time of enquiry."

5. It is submitted by the management that workman was running an investment company under the name and style of M/s. R.K. Investment and Lucky Draw Scheme in the name of "Abchal Lucky Scheme" and its office was situated at 1160 Urban Estate, Phase-I, Durgi Road Ludhiana, which happened to be the residence of the workman. Inquiry was initiated and workman was given full opportunity to defend himself before the inquiry officer. He engaged his defence representative of his choice Sh. Raj Kumar Sharma and his request was allowed by the inquiry officer. Charges were read over to the workman and workman unconditionally and without reservation in the presence of his defence representative accepted all the allegations contained in the charge sheet. The competent authority sent inquiry report to the workman for the comments on the same. The workman submitted his

comments after availing numerous extensions. The disciplinary authority after considering all the relevant record, findings of the inquiry officer and written submission made by the workman proposed the punishment of removal from bank service without disqualification for futures employment and also provided opportunity of personal hearing on the said proposed punishment. On 30.7.2001 the workman along with his defence representative attended the personal hearing and after applying its mind the disciplinary authority imposed the punishment of removal from service without disqualification for future employment. Workman filed appeal against the order dated 11.8.2001 of the disciplinary authority and appellate authority also provided personal hearing to the workman and after duly taken into consideration submission made by the workman rejected the appeal of the workman. The workman was provided full opportunity during inquiry proceedings and workman voluntarily without any pressure or coercion, admitted all the charges and the disciplinary authority also provided him opportunity of personal hearing and inquiry proceeding were conducted in fair and proper manner adhering to the principle of natural justice.

6. It is further pleaded by the management that workman applied for the voluntary retirement and the same was rejected by the competent authority on the ground that disciplinary proceedings against the workman were contemplated vide order dated 25.4.2001. It is further pleaded that at the time of introduction of voluntary retirement scheme vide circular dated 14.12.2000 disciplinary proceeding were contemplated against the workman regarding his fraudulent activities and under these circumstances request of the workman for voluntary retirement was illegal and unjustified. As regard the claim of the workman that there was some understanding it is totally denied by the management. The submissions of the workman in this regard are false, concocted, and baseless and have no iota of truth. It is specifically pleaded by the management that there was no assurance as such the question of taking lenient view does not arise and allegation of the workman are frivolous and far from truth. It is further pleaded by the management that a sum of Rs. 2,99,712.02 on account of provident fund was received from head office of the bank towards the terminal dues of the workman and the bank adjusted the recovery of outstanding balance in loan account of the workman and the balance was credited to the SB account of the workman. The workman was also paid the gratuity amount on 15.2.2005 in his saving bank account. It is prayed that the claim is devoid of merit and deserves to be dismissed with cost.

7. In evidence, workman filed his affidavit and also examined two witnesses Sh. M. M. K. Joshi WW1, Sh. Rajesh Kumar, WW2 and himself examined as W3 in evidence. The management in evidence examined MW1 Sh. K.S Simar, MW2 B.B.Garg who categorically stated in cross-examination that he had never given any assurance to the union representative Sh. Joshi for taking a lenient view.

8. I have heard the parties and gone through the record of the case. The first point to be determined in this case is whether the inquiry was conducted in fair and proper manner adhering to the principle of natural justice? From the record it is revealed that the workman on the first date of hearing, charges were read over to him in the presence of him defence representative Sh.Sharma. The workman admitted all the charges without any pressure coercion by writing on the charge sheet it self on 22.5.2001 as under:-

"I hereby accept all the charges levied vide charge sheet No.PB:PD:STF661/1358 dated 14.5.2001. I am accepting the charges without any pressure, fear, commitment. I am accepting the charges of my own having fully read and understood the same."

9. The inquiry was concluded on that very day in view of the admission of the charges by the workman. There is nothing on the record to show that the workman raised any objection by taking any plea that he was not being afforded opportunity of defence during inquiry before the disciplinary authority/appellate authority. It is not the case of the workman that there was any pressure exaggerated on the workman to admit the charges before the inquiry officer. It is settled principle of law that admitted facts need not to be proved. I draw support from the judgment of the Hon'ble Supreme Court in case of L.K.Verma Vs. HMT Ltd & oths. reported in 2006(1) SCT page 601. In this judgment it is held that things admitted need not be proved and the findings on the basis of admission cannot be questioned on the ground of availability of no evidence. Therefore, as the workman admitted the charges voluntarily and without any pressure from any side, therefore, later on the workman cannot take this plea that inquiry was not held fair and proper. The workman failed to prove that the inquiry was held against the workman without giving him the opportunity of defence rather the charges were admitted by the workman in the presence of his defence representative Sh.Sharma. Therefore, finding no infirmity in the inquiry, it is held that inquiry was conducted fairly, properly and in accordance with the principle of natural justice.

10. The next point to be determined is that whether any assurance was given to the workman that his voluntary retirement would be accepted and he would be allowed VRS as per the scheme. It is pleaded by the workman that he has been assured through his union representative Sh. M.M.K Joshi that if he admits the charges, lenient view would be taken. To this effect the workman produced Sh. M.M.K. Joshi in the witness box as his witness as W1. But no where it is proved that any assurance was given to Mr. Joshi and there is no evidence of any assurance given to the workman.

11. As regard the plea of the workman that punishment is not commensurate with the gravity of misconduct is concerned. The workman was charge sheeted for gross misconduct as mentioned in the charge sheet and it is settled principle of law that a person holding the

position of trust especially in the banking industry where honesty and integrity are in built requirement for proper and smooth functioning and in the case in hand the workman admitted all the misconduct attributed to him by writing on all the four pages of charge sheet and specific writing on the charge sheet mentioned above.

12. Banking business runs on the faith and confidence of the general public. If this faith and confidence is shaken by the misconduct of the employee of the bank, certainly the bank earns bad reputation. In the present circumstances, the punishment awarded by the management is commensurate to the misconduct committed by the workman. Consequently the workman is not entitled to any relief.

13. The reference is answered accordingly. Central Govt. be informed. Soft as well as hard copy be sent to the Govt. for publication.

Chandigarh

07-11-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंडिया कार्पोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 25 / 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02 / 12 / 2014 को प्राप्त हुआ था।

[सं. एल-34012 / 3 / 2005-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. South India Corporation Ltd., and their workmen, received by the Central Government on 02/12/2014.

[No. L-34012/3/2005-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT: Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 3rd day of July, 2014

INDUSTRIAL DISPUTE No. 25/2006**Between:**

The General Secretary,
Visakhapatnam Port and
Dock Mazdoor Sangh,
H. No.53-20-2/1, Chaitanyanagar,
Visakhapatnam - 530 013

...Petitioner

AND

The Manager,
M/s. South India Corporation Ltd.,
'Rani Meyammai Building'
14-1-54, Naroji Road,
Maharanipeta,
Daspalla Hills,
Visakhapatnam - 530002

...Respondent

Appearances:

For the Petitioner : Sri K. Bala Krishna (Died)
For the Respondent : M/s. Ch. Sanjeeva Rao &
Ch. Syamasundara Rao,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34012/3/2005-IR(B-II) dated 15.2.2006 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. South India Corporation Ltd., and their workman. The reference is,

SCHEDULE

"Whether the demand of the Visakhapatnam Port & Dock Mazdoor Sangh for payment of retrenchment Compensation amount to their member workmen viz. S/Sh. V. Lakshmana Rao and 7 others, Ex-Rowing Boat Workers (as per the list), according to their eligibility, by the management of M/s. South India Corporation Ltd., Visakhapatnam is legal and/or justified? If not, to what relief the concerned union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 25/2006 and notices were issued to the parties concerned.

2. Petitioner union filed claim statement stating therein all the eight workmen were removed by the management without assigning any reason. These workmen are permanent employees as such, they are entitled for retrenchment compensation. Hence, the management be directed to pay the retrenchment compensation to each individual applicant workmen in accordance with the length of their service @ 15 days average for every completed year of service or any part thereof in excess of six months and costs of the Petition.

3. Respondent management filed counter stating that whenever necessitates they used to engage workmen on casual basis and used to pay daily wages to the rowing boat workers as per the bill raised by them for number of days worked. Respondent management have hired the rowing boats which have independent owners. The owner employed the crew as per his wish and convenience. There is no employee-employer relationship between the applicant workmen and the Respondent management, as such the claim is not maintainable under law and the ID shall be dismissed in limine.

4. To substantiate their contentions Chief examination affidavit of WW1 filed. But WW1 is not produced for cross-examination inspite of giving fair opportunity. Hence, the said evidence can not be considered as evidence at all.

5. At this stage, Petitioner called absent. No representation. In spite of giving fair opportunity again and again Petitioner is not taking any interest in the proceedings. In the circumstances, taking that Petitioner got no interest to pursue the claim, 'Nil' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 3rd day of July, 2014.

M. VIJAYALAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ सं. 35/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12011/48/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2012)

of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 02/12/2014.

[No. L-12011/48/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/35 of 2012

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF MAHARASHTRA

The Assistant General Manager
Bank of Maharashtra
Solapur Region
Solapur (MS).

AND

THEIR WORKMEN.

The President
Bank of Maharashtra Employees Union
Phaltan Galli Branch
Solapur (MS).

APPEARANCES :

FOR THE EMPLOYER : Mr. M.B. Anchan, Advocate.

FOR THE WORKMEN : No appearance.

Mumbai, dated the 10th October, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-12011/48/201-IR (B-II), dated 09.07.2012 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of Maharashtra in terminating the services of S/Shri Haridas Sawant and Gurappa H. Bodake w.e.f. 20/02/2008 and 27/02/2008 is legal and justified? What relief the workmen are entitled to?"

2. After receipt of the reference from Ministry of Labour & Employment, both the parties were served with notice. Nobody on behalf of the union appeared before this Tribunal even after several adjournments. Fresh notice was issued to second party union vide Ex-7. Acknowledgement to that effect is at Ex-8. The second party union has neither approached this Tribunal nor filed statement of claim. Since there is no statement of claim on record, therefore, this

reference cannot be decided on merits and the same deserves to be dismissed for want of prosecution. Thus I proceed to pass the following order:

ORDER

Reference stands dismissed for want of prosecution.

Date: 10.10.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 21/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/52/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/52/2008-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Smt. M. VIJAYALAKSHMI, Presiding Officer

Dated the 30th day of October, 2014

INDUSTRIAL DISPUTE No. 21/2008

Between:

Sri Ravela George,
S/o Ananda Rao,
R/o D. No. 18-4-91/A,
Islipet, Tenali - 522201.

...Petitioner

AND

The Manager,
Bank of India,
Nuthakki Branch, Mangalagiri (M),
Guntur District.
Andhra Pradesh.

...Respondent

Appearances:

For the Petitioner : Sri M. Pitchaiah, Advocate

For the Respondent : Party in person

AWARD

Vide the proceeding No. L-12012/52/2008-IR(B-II) dated 24.9.2008 the Government of India, Ministry of Labour and Employment, New Delhi made a reference to this Tribunal requiring this Tribunal to give its award on the question,

"Whether the action of the Management of Bank of India, Nuthakki Branch in terminating the services of Shri R. George, Ex.Cashier-cum-clerk with effect from 30.3.2005 is justified? What relief the workman is entitled to?"

On receiving the said reference this Tribunal issued notices to both the parties and secured their presence before it.

2. The workman has filed his claim statement with the averments in brief as follows:

While the workman was working as cashier in Nuthakki, Mangalagiri Mandal, Guntur district, chargesheet dated 1.6.2004 was issued against him alleging that on 5.7.2003, a customer by name Sri B. Ravi Kumar Reddy, holding SB A/c No.8575 at Nuthakki branch, brought cash to the branch for depositing his account as he was late, he approached the workman that the workman advised the customer to come on the next working day, that then the customer approached the Branch Manager, who instructed the workman to accept the cash as late cash to be accounted on 7.7.2003 that the customer came to the workman along with the cash and pay-in-slip, and reported that the amount deposited by him was Rs.1,85,000/- and it was recorded as Rs.1,80,000/-. That the workman admitted that he altered the denomination changing the figures from Rs.185000/- to Rs.180000/- and after a week thereafter the workman approached the customer promising that he would pay Rs.5000/- and paid the same to him on 28.7.2003 with a request to him not to complain to the Manager and that it amounts to tampering of bank record and an attempt to misappropriation. The workman has submitted his explanation denying the charges and stating true state of affairs. But without even waiting for the said explanation a regular Departmental enquiry was ordered appointing an Enquiry Officer which show that the Manager, Bank of India, Nuthakki branch, decided to punish the workman and enacted a drama of domestic enquiry. The enquiry was conducted without complying with the principles of natural justice. The documents relevant are not supplied to the workman. The findings of the Enquiry Officer are perverse and baseless. Basing on such findings the Zonal Manager, Visakhapatnam issued notice dated 1.3.2005 asking the workman to show cause as to why he should not be compulsorily retired from service as the charges levelled against him stood proved. Thereafter, without taking into

account of the version of the workman the Zonal Manager, Visakhapatnam issued proceeding dated 30.3.2005 ordering compulsory retirement of the workman. The customer mentioned the amount as Rs.180000/- on front portion of SB Voucher in figures and words. Subsequently it was detected that an excess cash of Rs.5000/- was lying and the customer was intimidated by phone immediately by the workman asking him to collect Rs.5000/-. He came some time later and took the cash. Thus, there is no misappropriation. It does not amount tampering of records. The workman has corrected on the voucher by putting the figure Rs.185000/- in the denomination column. The Zonal Manager, Visakhapatnam is not competent to remove the workman from service as his appointment authority is Zonal Manager, Bank of India, Hyderabad. It appears that there is delegation of powers conferred on the Manager, Bank of India, Nuthakki from the Zonal Manager, Hyderabad. It is bad in law since, the same is hit by doctrine of "Delegatus proteles, non delegary" i.e., delegatee can not further delgate. Punishment imposed is not consistent with the circulars issued by the Management bank and settlements entered into with the recognised trade unions. Thus, the same is arbitrary, illegal, malafide colourable exercise of power and unfair labour practice, discriminatory, unjustified and opposed to principles of natural justice. Petitioner workman who is to maintain his family consisting of wife, children and old aged mother is suffering financially, and psychologically apart from social stigma due to this unlawful and illegal punishment. He belongs to SC community. Inspite of best efforts he could not secure alternate employment and remained unemployed. The mercy petition send by him to the bank was mechanically rejected. Thus, he was to approach the conciliation officer as the conciliation failed the present reference is made. Therefore, the order dated 30.3.2005 of the Zonal Manager, Bank of India, Visakhapatnam is to be set aside directing the Management to reinstate the workman into service, with continuity of service, back wages and all other attendant benefits together with the interest @ 12% on the arrears from the due date till the date of realization and costs.

3. Though one Sri Vikram Sinha, Sr. Manager, Bank of India, appeared before this Tribunal on 4.7.2009 in answer to the notice received by the Management, thereafter the Management failed to take any interest in the proceedings. In the circumstances, they were set exparte by virtue of orders dated 23.11.2010.

4. To substantiate the contentions of the workman he filed his chief examination affidavit as WW1 and got marked Ex.W1 to W8.

5. Heard the arguments of the workman. Written arguments are also filed for him and the same are received and considered.

6. The points that arise for determination are:

I. Whether the action of the Management of Bank of India, Nuthakki branch, in terminating services of

Sri R. George, Ex. Cashier-cum-clerk with effect from 30.3.2005, is justified?

II. To what relief the workman is entitled to?

7. Point No.I:

To decide the justification or otherwise of the impugned order dated 30.3.2005, the evidence relevant is the documents produced by the workman and which are marked as Ex.W1 to W8. Ex.W1 is the copy of chargesheet dated 1.6.2004. Ex.W2 is copy of the enquiry proceedings dated 24.7.2004, which include the statement of the workman as charge sheeted employee made to the Enquiry Officer. Ex.W3 is copy of the punishment order dated 30.3.2005. Ex.W4 is the Copy of appellate order dated 8.5.2005. Ex.W5 is the copy of mercy petition dated 19.7.2005 made by the workman to the Management. Ex.W6 is a copy of letter said to have been addressed by the General Secretary of Bank of India Staff Union, Ex.W7 and W8 are copies of representations said to have been made by some account holders.

8. A fact to be noted is that the authors of the Ex.W6 to W8 are not examined as witnesses to prove these documents. Even otherwise, they got nothing to do with the domestic enquiry conducted in this case. Hence, these documents can not be considered.

9. As can be gathered from Ex.W3 and W4 the punishment order and the appellate order, the authorities concerned found that the workman was guilty of fraud and tampering with bank's records.

10. As can be gathered from the material on record, it is an admitted fact that the customer Sri B. Ravi Kumar Reddy, actually deposited Rs.185000/- on 5.7.2003, but he mentioned the amount deposited as Rs.180000/- on the front side of the pay-in-slip. The record further discloses that the amount was counted by one Sri C V Rao, the special assistant and he mentioned the amount actually deposited as Rs.185000/- and also noted the denominations of the said currency notes. But the workman has altered the figures and made it as Rs.180000/- and he confessed regarding the same in his statement dated 7.8.2003 which is marked as Management Ex.No.7 during the Departmental enquiry. Evidently he returned the amount of Rs.5000/- to the customer but the enquiry finding is that the same took place only after the customer made a complaint to the Manager.

11. Considering the given circumstances, the impugned order dated 30.3.2005 was issued, that too after giving opportunity of personal hearing to the workman. The said order was confirmed by the Appellate Authority by virtue of order dated 8.5.2005. The contentions of the workman made against the mode of conducting of Departmental enquiry are vague and devoid of particulars. Thus, it is to be taken that he has not made out anything against the validity of the domestic enquiry conducted against him. The record of the Departmental enquiry which

is produced by the workman himself clearly reveal that there was strict compliance of principles of natural justice during the Departmental enquiry.

12. Further more, considering the gravity of the charges proved against the workman who has been a cashier in the banking institution which deals with public money and which can function only on the faith of the public, it can not be said that the punishment of compulsory retirement imposed on the workman is disproportionate to the said charges.

13. In the given circumstances, it can safely be held that the action of the Management of Bank of India, Nuthakki branch, in terminating services of Sri R. George, ex. Cashier cum clerk with effect from 30.3.2005, is justified.

This point is answered accordingly.

14. Point No.II:

In view of the finding given in Point No.I, the workman is not entitled for any relief.

This point is answered accordingly.

Result:

In the result, the reference is answered as follows:

The action of the Management of Bank of India, Nuthakki branch, in terminating services of Sri R. George, Ex. Cashier cum clerk with effect from 30.3.2005, is justified. Therefore, the workman is not entitled for any relief.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 30th day of October, 2014.

M. VIJAYALAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri R. George	NIL
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Documents marked for the Petitioner

Ex.W1:	Photostat copy of charge sheet dt. 1.6.2004
Ex.W2:	Photostat copy of enquiry proceeding dt. 24.7.2004
Ex.W3:	Photostat copy of punishment order dt. 30.3.2005
Ex.W4:	Photostat copy of appellate order dt. 28.5.2005
Ex.W5:	Photostat copy of mercy petition by WW1 to CMD of Respondent bank dt. 19.7.2005
Ex.W6:	Photostat copy of representation of staff Union reg. reconsideration in case of WW1, dt. 17.4.2007

Ex.W7: Photostat copy of Ir. of Sri B. Ravi Kumar,
customer dt. 21.6.2004

Ex.W8: Photostat copy of Ir. of customers
Documents marked for the Respondent

NIL

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 68/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12011/26/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen, received by the Central Government on 02/12/2014.

[No. L-12011/26/2013- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, CHENNAI

Thursday, the 20th November, 2014

PRESENT : K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 68/2013

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
Indian Bank Employees
Association (T. Nadu)
17, Ameerjan Street,
Choolaimedu, Chennai-600094

AND

The Asstt. General Manager (HR) : 2nd Party/1st
Indian Bank, Respondent
HO : HRM Department
66, Rajaji Salai
Chennai-600001

Appearance:

For the 1st Party/ : Sri K. Krishnan, Authorized
Petitioner Union Representative

For the 2nd Party/ : M/s T.S. Gopalan & Co.,
Management Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/26/2013-IR(B-II) dated 23.05.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the Indian Bank Management in respect of outsourcing the employees for core functions and other IT related activities is justified or not? What relief the workmen entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 68/2013 and issued notices to both sides. The First Party has appeared through Authorized Representative and the Respondent through the counsel and filed Claim and Counter Statement respectively. The petitioner has filed a rejoinder after the counter statement was filed.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner is a union registered under the Trade Union Act. It has substantial following among the workmen in the Respondent Bank. It takes up genuine issues relating to its members and also issues relating to the security of the Bank as a whole. The service conditions of the Bank employees are governed by the Bipartite Settlement. All core functions in the branches of the bank like account openings and other day-to-day computer operations are handled by the employees working in the branches. KYC data of the accounts opened in the branch are updated by the Centralized Deposits Processing Centres (CDPC) established by the Management all over the country. These functions are as per the provisions of the Bipartite Settlement. Para-31 of the 8th Bipartite Settlement covers the scope of computerization and the permissible limit of computerization in bank activities and had also imposed restrictions on bank's management with regard to outsourcing of computer related works, emphasizing the need to train the staff in the related field of computer activities and also the need to develop in-house competencies. The training of staff under CBS environment and opening of DDPC centres are the outcome of

conditions put forth in Para-31 of Bipartite Settlement. The Respondent, with the intention to outsource the functions so far performed by CDPC centres, crippled the activities of these centres by not posting adequate staff to these centres. This is in violation of Para-31 of the 8th Bipartite Settlement. The Respondent should be directed to stop the outsourcing of normal and core functions of the bank in violation of Para-31 of 8th Bipartite Settlement.

4. The Respondent has filed Counter Statement contenting as follows:

The Respondent Bank has large network of branches spread through the width and breadth of the country. In the current competitive environment it has become imperative for Nationalized Banks to resort to outsourcing the service of external agencies in non-core functions for operational excellence and cost reduction. In December 2005 the RBI has issued guidelines in outsourcing the service of external agencies for attending to banking functions. Outsourcing has come to stay in the Banking industry and the only area where outsourcing can be resisted is when there is a threat to job security of the existing employees or where it is prejudicial to the interests of public and bank finance. The petitioner is not entitled to oppose the outsourcing as the RBI has itself permitted outsourcing and has given instructions as to the manner in which outsourcing should be resorted to. The Respondent Bank has established CDPC Centres at Chennai, Bangalore, Mumbai and Delhi in the year 2005 with the object of better and speedy customer service. CDPC is being manned by regular employees of the bank and it is only overseeing the compliance of opening of accounts at the branch level and keep recording the system opening access from anywhere in the bank. Though there was an informal proposal for outsourcing service sometime in the year 2011, the proposal had not assumed shape. The bank is entitled to outsource its functions within the framework of the Bipartite Settlement and RBI guidelines. So the apprehension of the petitioner is wholly unfounded and unwarranted. When the petitioner has addressed a letter to the Bank it was keen to assert its right to go in for outsourcing if it becomes necessary and it was in this context a reply was sent to the petitioner on 15.10.2011. The petitioner is not entitled to any relief.

5. The petitioner has filed a rejoinder denying the contentions in the counter statement and also reiterating the averments in the Claim Statement.

6. The evidence in the case consists of oral evidence of WW1, MW1 and documents marked as Ext.W1 to Ext.W3 and Ext.M1 and Ext.M2.

7. The points for consideration are :

- (i) Whether the action of the Respondent in respect of outsourcing the employees for core functions and other IT related activities is justified or not?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

8. The petitioner has filed the claim seeking a ban on outsourcing of normal and core functions of the Respondent Bank in violation of the provisions of Para-31 of the 8th Bipartite Settlement. According to the petitioner, Para-31 of the 8th Bipartite Settlement had imposed restrictions on the manner in which computerization is to be done in the Bank activities. It is stated by the petitioner that the training of staff under the CBS environment and opening of CDPC Centres are the logical outcome of restrictions imposed by Para-31 of 8th Bipartite Settlement. It is alleged by the petitioner that the activities of CDPC centres are crippled by the Respondent with the intention to outsource the functions that were performed by the Centres. In answer to this allegation the Respondent has contended in the Counter Statement that the bank is entitled to outsource its functions within the framework of the Bipartite Settlement and also as per the RBI guidelines. Even while asserting this it is stated by the Respondent that so far outsourcing had not been resorted to at CDPC Centres. According to the Respondent the raising of the dispute by the petitioner is much ado about nothing.

9. Para-31 of the 8th Bipartite Settlement between the bank and its employees refers to computerization, mechanization and technical upgradation. Clause-h of Para-31 states that while it shall be the bank's endeavour to retain/re-skill staff and to develop in house competencies they may outsource IT and its related activities in respect of specialized areas where in-house capability is not available. It is on the basis of the above clause both the petitioner and the Respondent have taken their stand in the Claim Statement and the Counter Statement respectively. The Respondent has also been referring to the guidelines of RBI on outsourcing of financial services by the banks. While the 8th Bipartite Settlement has been signed on 02.06.2005, the RBI guidelines on outsourcing of financial services has been issued on 06.12.2005. The guidelines states that the world over the Banks are increasingly using outsourcing to third parties who may be unrelated or members of the group / conglomerate as a means of both reducing cost and accessing specialist expertise not available internally and achieving strategic aims. It is also stated that outsourcing brings in its wake several risks and failure to manage these risks can lead to financial losses and reputational risk to the Bank and could also lead to systemic risk within the entire banking system in the country. The guidelines seems to have been issued in an effort to mitigate the risks Clause-6(i) of the guidelines refers to outsourcing policy. It states what are the steps to be taken before outsourcing is resorted to. The Board of the Bank or a Committee delegated by it is to approve any outsourcing of the financial activities. Thus it could be seen that the Bipartite Settlement entered into prior to the guidelines issued by the RBI as well as the guidelines of the RBI supports outsourcing by banking institutions. The restriction placed as per Para-31 of the Bipartite Settlement is that outsourcing should be only in respect of specialized

areas where in-house capability is not available. It further states that there should be an endeavour to retain and re-skill the staff and to develop in-house competencies.

10. The petitioner in his capacity as a General Secretary of the Union has given evidence as WW1. The facts revealed through cross-examination will justify the stand of the Respondent that so far outsourcing activities apprehended by the petitioner has not been resorted to. What is stated in the Claim Statement is that the activities of CDPC centres have been crippled with the intention to outsource the activities of the Centres. But even as admitted by the petitioner, so far such outsourcing is not done. The Centres are still manned by the staffs of the bank. Though the petitioner would assert that in case outsourcing is resorted to it will affect the service conditions of the existing employees, according to him, it is difficult to answer whether outsourcing has so far affected the service conditions of the existing employees. He has admitted that as per Para-31 of 8th Bipartite Settlement outsourcing is not ruled out. He has also admitted that all the information regarding accounts of the customers are transmitted to the CDPC through the computer and such transmission is done for the purpose of updating. At the last stage of his cross-examination the witness has stated that he is objecting to outsourcing because the secrecy of the customers would be lost and also because job opportunities in the Bank will be curtailed.

11. It could be seen on going through Para-31 of Bipartite Settlement that there is an inbuilt provision that outsourcing shall not result in retrenchment in any of the employees. So the settlement itself assures that there will be no risk for the existing staff because of outsourcing. True Para-31 provides for developing in-house competency also. At the same time it is stated that where in-house capability is not available outsourcing can be resorted to. The claim of the petitioner is that there should be a total ban on outsourcing of normal and core functions of the Bank. However, there is no case for the petitioner that any normal and core functions of the Bank are outsourced by the Bank. CDPC Centres seems to have been set up for the particular purpose of updating the data in respect of the customers. Whether this is a normal function of the Bank or core function of the Bank is not stated by the petitioner. The stand of the Respondent is that it is a non core function and for such functions outsourcing can be resorted to if the Banks wants even though it is not done so far. Probably updating of the data in respect of the existing customers is not the normal or core function.

12. The petitioner has been referring to the stand taken by the Respondent in the Ext.W2, the reply given before the Labour Commissioner in which the Respondent stated that it has got the responsibility of preserving the records of the Bank, that maintaining hard copies will require a lot of space and retrieval of the forms will be difficult, that the Bank is intending to preserve them in electronic form

and for this purpose integrated document management system through scanning is mooted for easy preservation and retrieval and for this purpose a software firm has come forward with a scanning solution. Referring to this, the Respondent has stated in the Counter Statement that the Respondent was keen to assert its right to go for outsourcing if it becomes necessary and it was in this context such a reply was sent. On the other hand, according to the petitioner this stand of the Respondent before the Labour Commissioner itself would show its intention to resort to outsourcing.

13. As already stated even as per the 8th Bipartite Settlement and the RBI guidelines, outsourcing is not taboo for the Bank. Only thing is that it should be in consonance with the restrictions given in Para-31 of the settlement and in accordance with the guidelines of the RBI. In the absence of proof of any outsourcing so far the case of the Respondent that it has not resorted to any outsourcing even in respect of the activities referred to in Ext.W2 is to be accepted. Whether updating of data is the core activity of the Bank could not be established by the evidence of the petitioner alone.

14. As per the RBI guidelines Banks are restricted from outsourcing only core management functions like corporate planning, organization management and control. Decision making functions like determining compliance with KYC norms for opening deposit accounts, according sanction for loans and management of investment portfolio shall not be outsourced. That means the RBI does not restrict outsourcing of other activities of the Bank. This guidelines of the RBI is to be read along with the restrictions placed by Para-31 of Bipartite Settlement. The RBI has stated in the guidelines that a bank intending to outsource any of its financial activities should put in place a comprehensive outsourcing policy approved by Board. The Board of the Bank or a committee delegated by it is responsible for approving a framework to evaluate the risk and materiality of all existing and prospective outsourcing. Thus it could be seen that sufficient safeguard is placed by the RBI for outsourcing of activities. So it will not be proper to give a blanket ban on outsourcing without enumerating which are the activities that will not come within the restrictions imposed by the RBI, which are core activities, whether in-house competency is available, etc. In any case there is no case for the petitioner that so far the employees have been affected by outsourcing. So far as the apprehension expressed by the petitioner that outsourcing will result in loss of secrecy of the customers and will cause risk to the customers as well as to the Bank, sufficient safeguards are provided in the guidelines and these guidelines will take care of such apprehensions expressed by the petitioner. I find that the petitioner is not entitled to any relief in the above circumstances.

15. In view of my discussion above, the reference is answered against the petitioner.

An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this the 20th day of November, 2014)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri K. Krishnan
Union

For the 2nd Party/ : MW1, Sri R. Sakthivel
Management

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	17.08.2011	IBEA(TN) letter to ALC, Chennai IBEA/GEN/120/2010-13 raising an Industrial Dispute against outsourcing of CDPC works
Ex.W2	15.10.2011	Reply letter by Indian Bank Management to the above letter dated 17.08.2011
Ex.W3	02.06.2005	Provisions of 8th Bipartite Settlement under Para-31 with regard to com- puterization/mechanization and technological upgradation with reference to types of works that can be outsourced

On the Management's side

Ex.No.	Date	Description
Ex.M1	06.12.2005	Reserve Bank of India Guidelines on outsourcing for financial services by Banks
Ex.M2	02.06.2005	Extract from 8th Bipartite Settlement Clause-31 on Computerization/ Mechanization and Technological upgradation.

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 233/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/44/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 233/99 of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/44/99- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/233/99

PRESIDING OFFICER : SHRI R.B.PATLE

Shri Praveen Kumar Yadav,
S/o Babulal Yadav,
Sanwara road, Burhanpur,
Distt. East Nimar (MP)

...Workman

Versus

General Manager,
Bank of India,
Head Office, Express Towers,
Nariman Point,
Mumbai

...Management

AWARD

Passed on this 23rd day of September 2014

1. As per letter dated 4-11/6/99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/44/99/IR(B-II). The dispute under reference relates to:

" Whether the action of the management of General Manager, Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is justified? If not, to what relief the workman is entitled for?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3 to 11. Case of workman is that he was working as peon in Bank of India, Sanwara, Burhanpur Branch, Distt. Khandwa from 1989 to March 1992. The details of working days are shown 84 days in 89-90, 200 days in 90-91, 287 days in 91-92, 277 days in 1991, 74 days during January to March 92. Workman submits that he completed 240 days continuous service and acquired permanent status. He was eligible for regularization of his service. In spite of regularising his services, IInd party terminated his services from April 1992. He is out of employment. He has no source of income. Several post of peon are vacant.

3. It is further submitted that Union ad management had agreed that on completion of 240 days service, daily wage employees will be regularized. In spite of regularizing his services, workman has been terminated without notice. On such ground, workman prays for his reinstatement with back wages.

4. IInd party filed Written Statement at page 93 to 107. IInd party submits that workman was not engaged by Bank. Employer employee relationship is not existing. Order of reference is made mechanically. It is prejudicial to the management as workman was not appointed by Bank. There was no question of termination of his service. The dispute is raised in 2000 challenging termination of workman in 1992 is highly belated. Reference is not tenable.

5. IInd party on facts denied employer employee relationship. It is reiterated that employment of sub staff is made through Employment Exchange. It is not mandatory. The Manager has power to make appointment. The name of workman was not sponsored through Employment Exchange. Workman was not on rolls of the Bank. He was given certain advantage for miscellaneous work in the Bank. Branch Manager had to make necessary arrangements. The payments were made by Branch Manager. He was reimbursed of such payment from miscellaneous charges. Amount was debited from Profit and Loss Account. Temporary engagement does not give right to the workman as his engagement was as stop gap arrangement. Workman was not appointed by Bank. There was no question of his termination. He is covered under Section 2(oo)(bb) of I.D.Act. It is denied that workman completed 240 days service. On such ground, IInd party prays for rejection of claim of workman.

6. Workman filed rejoinder at Page 101 to 10/3 reiterating his contentions in statement of claim.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of General Manager, In Negative Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is justified?

(ii) If not, what relief the workman is entitled to?" As per final order.

REASONS

8. Workman is challenging termination of his service in violation of ID Act. That after completion of 240 days, he acquired status of permanent employee but his service were not regularized rather were terminated. IInd party denies above contentions of management. Employer employee relationship is denied. Legality of order of reference is challenged. However order of reference

is not challenged before superior court. The order of reference is not set-aside therefore Tribunal is bound to decide the reference.

9. Workman filed affidavit of evidence. He has stated that he was working with the Bank on daily wages from 1989 to 1990. He completed 240 days continuous service. His services were terminated without notice in April 92. He has no source of earning. In his cross-examination, workman says he was engaged on daily wages by Branch Manager Pahadia. He was told that there were vacancies in the Bank. He was interviewed by Pahadia who was acquainted with him. 3-4 persons were also interviewed on the same point. He was engaged on daily wages. Employment card was deposited in Bank. Zerox copy is not with him. He submitted separate application. In 1989, he worked for 200 days, 90-225 days, 91-287 days, 92- 240 days. No certificate was issued by Bank about work for 287 days. He was paid wages Rs. 60.70 per day. There is no suggestion to workman that he not completed 240 days continuous service. The documents produced by workman Exhibit W-1 is working of 240 days during preceding year is denied. Exhibit W-2 Regional manager has not disputed working more than 240 days of workman during 90 to 92. Rather it was accepted. In Exhibit W-3 certificate given by Bank working days of workman are shown 187 days during the period 8-8-89 to 31-3-92. Said document is not clear about completion of 240 days continuous service by workman prior to termination of his service. However document Exhibit W-2 clearly supports his evidence.

10. Evidence of management's witness Manohar Baburao Dange is by way of denial of 240 days working by workman. However the witness has admitted that workman was working in Bank during 1989 to March 92. Management's witness in his cross-examination was unable to tell working days of workman during each of the year. He says that no record of casual labor is maintained by the Bank. That wages paid to the workman are reimbursed. Salary is not paid to casual labour. Branch Manager is authorized to engage casual labours and payment of wages is reimbursed. The payment vouchers are not produced. Witness of management admitted Exhibit W-2, W-3. Exhibit W-2 supports claim of workman. The evidence on record establish that workman was continuously working more than 240 days preceding 12 months of his termination. His services are terminated without notice, no retrenchment compensation is paid to him. The termination of services of workman is in violation of Section 25-F of I.D.Act. For above reasons, I record my finding in Point No.1 in Negative.

11. Point No.2- workman was engaged on daily wages. His services are terminated in violation of Section 25-F of I.D.Act. Workman was working from 1989 to March 92. He was not appointed following rules and regulations therefore reinstatement of workman would not be justified. considering period of working, compensation Rs. One Lakh would be appropriate. Accordingly I record my finding in Point No.2.

12. In the result, award is passed as under:-

- (1) The action of the management of General Manager, Bank of India in terminating the services of Shri Praveen Kumar Yadav S/o Shri Babulal w.e.f. April 92 is illegal.
- (2) IInd party is directed to pay compensation Rs. One Lakh to the workman. Cost of Rs.5000/- be paid to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R.B.PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ सं. 152/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/161/98-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 152/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/161/98- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/152/99

PRESIDING OFFICER: SHRI R.B.PATLE

Ambadas Gulabrao Dukre, LR of

Shri Raju S/o Ambadas Dukare,
R/o Shivaji Nagar, Mahal,
Chitnavispora,
Behind Agni Mata Mandir,
Nagpur

: Workman

Versus

Regional Manager,
Bank of Baroda,
Vidarbha & Marathawada,
West High Court, Dharampeth,
Nagpur

: Management

AWARD

Passed on this 22nd day of May 2014

1. As per letter dated 31-3-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-12012/161/98/IR(B-II). The dispute under reference relates to:

" Whether the action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is justified, proper and legal? If not, to what relief the said workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/4. Case of Ist party workman is that he was appointed as peon by IInd party Bank. Nomenclature of parties I wrongly shown. The Bank is hereinafter referred as Party No.2 and workman Raju as Ist party. Ist party workman was appointed as peon on 31-3-97 at Bramni branch. He was continuously working till termination of his service. he was paid salary Rs.1600/- plus allowances. His appointment was on probation for six months. Thereafter his services were likely to be confirmed against clear vacant post. That the workman had proceeded on leave from 2-5-97 to 5-5-97 as he was suffering from illness. He had submitted medical certificate at the time of joining duty. That the IInd party Bank had issued letter dated 6-5-97 about his unauthorized absence. His salary was detected for above leave period. It is alleged to be by way of punishment without giving opportunity to explain his grievance. IInd party Bank further issued letter dated 31-5-97 and caution notice about his unauthorized absence was given. Workman again proceeded on leave on 7-6-97 to 9-6-97 on ground of his illness. He submitted medical certificate at the time of joining duty. IInd party called his explanation as per letter dated 9-6-97 and warning was issued to him. that the services of Ist party workman were terminated from 26-9-97 without notice as per the conditions in the order of appointment. That DD No. 671939 dated 26-9-97 of Rs. 2995/- was sent alongwith termination order. No seniority list was prepared by IInd party Bank 7 days prior to the order of termination. Ist party workman says the services were terminated for unauthorised absence without holding the enquiry. He was not given opportunity to explain his absence. His services are terminated in violation of section 25-G, H of I.D.Act. On such ground workman prays for his reinstatement with consequential benefits.

3. IInd party Bank filed Written Statement at Page 9/1 to 9/7. It is submitted by IInd party that workman was appointed as peon on probation as per order dated 31-3-97. The conditions in the appointment order provided that he will be on probation for the period of six months liable to be extended at discretion of the Bank. His services were liable to be terminated issuing one months notice or payment of one months salary in lieu of notice. During probation period, 14 days notice was liable to be given. On expiry of period of probation, he found satisfactory and medically fit. His services were liable to be confirmed. That the workman joined his service on 31-3-97 at bramni branch. During probation period, his conduct was not found satisfactory. Workman remained absent from 2-5-97 to 5-5-97. There was no leave to his credit. His absence was treated unauthorized. He was also issued warning letter on 31-5-97 requesting to improve his conduct. Workman was deputed for cash remittance from currency chest, Dharampeth Branch, Nagpur on 29-5-97 but he did not reached to said branch neither reported to the Bank on duty. The Bank was put to trouble. Workman remained absent without intimation from 7-6-97 to 9-6-97. Warning letter was issued to him on 31-5-97.

4. IInd party further submits that at the time of joining workman submitted declaration to attestation form that he was not arrested or kept under detention etc. for any offence. However in police verification report, it was reported that workman was accused in Crime No.53/97 for offence under Section 85, 110, 117 of Police Act. The workman was produced before Court No.8 at Nagpur in Criminal Case No. 140/97. Said case was pending against him. Such facts were suppressed by the workman. Workman was granted opportunity to improve himself during probation period. Workman did not shown improvement. He continued to commit lapses during probation period. Therefore his services were terminated from 26-9-97 as per conditions in the appointment order. One months salary in lieu of notice period was paid to him by cheque. The cheque was sent alongwith termination order. He submitted that termination of workman is not covered as retrenchment under Section 2(o)(bb) of I.D.Act. his termination is not in violation of Section 25-F of I.D.Act. IInd party has denied all material contentions of Ist party workman. IInd party prayed for rejection of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

- | | |
|---|----------------|
| (i) Whether the action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is justified? | In Affirmative |
|---|----------------|

- (ii) If not, what relief the workman is entitled to?"

Workman is not entitled to relief as prayed

REASONS

6. Workman is challenging termination of his service for violation of Section 25-F of I.D.Act that his services were terminated without notice. Workman filed affidavit of evidence. However he remained absent for his cross-examination. Workman died during pendency of reference. His LR is brought on record namely Ambadas Gulabrao Dukre. However the LR of deceased workman donot participate in the reference proceeding, no evidence is adduced. Management filed affidavit of evidence of Shri Lalit Kumar Bidaye, Dy.General Manager consistent with the contentions in Written Statement that workman reported for duty on 31-3-97. Management received letter dated 3-5-97 regarding criminal case pending against workman under Bombay Police Act, 1951. Workman remained absent from duty from 2-5-97 to 5-5-97, no leave was at his credit, warning letter was issued to him on 6-5-97. Workman also remained absent during 7-6-97 to 9-6-97 despite of warning issued to him. He also not reported to the Regional Manager. That the declaration submitted by workman that he was not involved in criminal case neither he was arrested. However police verification report shows that workman was arrested in criminal case. Similar affidavit is filed by Shri P.P.L.Achari Balaga Sr. Manager (HRM) Ist party failed to cross-examine the witness of the management. I donot find any reason to disbelieve evidence of management's witness. The contentions of workman are not supported by any thread of evidence. Therefore I record my finding in Point No.1 in Affirmative.

7. In the result, award is passed as under:-

- (1) The action of management of Bank of Baroda through its Regional Manager, Nagpur (2) Branch Manager Bahmani Branch. Tah.Umrrer in terminating the services of Shri Raju S/o Shri Ambadas Dukare, Peon w.e.f. 26-9-97 is proper and legal.
- (2) LR of workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 64/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/140/98-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/140/98- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/64/99

Shri R.K. Gupta,
Clerk-cum-Cashier, 394,
Shastri Colon, Rajiv Gandhi Ward,
Katni,
Jabalpur (MP) ...Workman

Versus

Regional Manager,
Bank of Maharashtra,
Regional office, Wright town,
Jabalpur ...Management

AWARD

(Passed on this 3rd day of November, 2014)

1. As per letter dated 27-1-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No.L-12012/140/98-IR(B-II). The dispute under reference relates to:

" Whether the action of management of Bank of Maharashtra Jabalpur in terminating the services of Shri R.K. Gupta, Clerk cum cashier from 19.02.96 was legal and justified, If not, to what relief workman is entitled to?"

2. After receiving reference, notices were issued to parties. Ist party workman submitted statement of claim at Page 2/1 to 2/8. Case of workman is that he was appointed as clerk on 7.04.80. He was posted at Kamti. In 1983, he was transferred to Jabalpur. His service record was unblemished. That as per order dated 24.12.90, he was suspended without assigning any reasons. Chargesheet was issued to him on 16.07.91. According to workman, the charges are fabricated with a predetermined mine to dismiss him from service. That formal enquiry was held. Enquiry Officer in his report dated 26.09.95 found him guilty of charges. Workman received report of Enquiry Officer in October 1995. He submitted representation on 20.12.95 challenging findings

of Enquiry Officer. Workman submits the finding of Enquiry Officer are perverse. Disciplinary Authority without application of mind issued order of his dismissal on 19.02.96. Workman was dismissed on 9.05.97. That charges against him related to the year 1986-90. In all 7 charges were alleged against him. Any of the charge was not of the consequence that Bank suffered any loss. Charges were in the form of related to day to day working not warranting dismissal from service. That the working in the bank is extended at Jabalpur branch. There was no hard and fast rule earmarking one posting for one clerk. Clerks as a class were deployed and assigned work on various counters dealing with different nature of transactions. Assignment of work depends on day to day requirements. A group of 4-5 clerks known as relievers for providing substitute service in place of clerks gone on leave. Workman was one of such reliever. No fixed duty was assigned to him.

3. Workman further submits that first charge against him related to loss of pay orders on 11.01.1989 while he was sitting over DD counter. Workman alleged to be negligent in his work. Workman himself repoted loss of pay order to branch Manager on same day at 3.45 PM. That there was no provision of law to keep pay orders. Bank Manager being administrative Head was obliged to take action that no pecuniary loss was caused to the Bank. Enquiry Officer held them guilty of such charges without considering his bonafide act immediately reporting matter to Branch Manager. IInd charge against him related to shortage of cash. That he was reliever was to sit on dispatch desk on 03.08.89 after starting his work. That cash was not tallied for long time. Workman informed about it to Branch Manager. However he was asked to carry out his work and try to balance the same. Workman accordingly work for 5 days on his table. On 08.08.89, he was told to sit in cash department. There was no alternative for him but to move to cash department leaving dispatch desk therefore he submits that charge of shortage of cash cannot be attributed to him. That the cash and stamps were in custody of Branch Manager himself and the same were given to dispatch clerk in morning.

4. Third charge against him related to using amount to credit of his own account and 4 other accounts. He submits that he was reliever at branch. Branch Manager asked me to open new ledger of Savings Bank. Accordingly new ledger were opened and transferred the correct balances in the accounts. Thereafter he had proceeded on leave. There is no occasion to deal with new ledger. Somebody from branch added figures preceding the balances transferred by workman which resulted in inflating the balances in the accounts. Workman submits that on his return, he presumed that bonus must have been paid and accordingly the workman withdrew the amount. Subsequently Branch Manager asked about it. The same was adjusted. Next charge related to shortage in Cash Rs. 50/-, the charge is incorrect. That 50 Rs. Note came from counter and resulted in shortage in the packet of notes.

5. The charge w.r.t. shortage of Rs. 100/- note in packet. Workman had requested other six packets may also be provided to him so that he can check them whether there are 101 pieces and shortage was inflicted. However no action was taken as per his request. That Head cashier who received cash and remitted to SBI was not questioned in that regard. The charge No. 4(d) relates to tendering cash by M/s. United India Insurance Company. The amount was shown in figures Rs. 2903 and Rs. 2908/- while tendering cash they remitted Rs. 2903/- and accordingly the workman accepted the same and gave the receipt. In substance, the workman submits charge against him were not correct.

6. 5th charge against him related to Leave without pay during a span 4 years period. The entire leave was taken by him for his sickness supported by Medical Certificate was sanctioned by the authority. The charge of drunkenness is denied. It is submitted that management was pre-determined for his dismissal because of his Union activities.

7. 1st Party further submits that enquiry was not conducted following principles of Sastry Award or principles of natural justice. He was not supplied documents. He was not permitted to cross-examine witness of management. Enquiry Officer acted as prosecutor. He was not given opportunity to produce his defence evidence. Enquiry Officer was Sr. Officer of the Bank always standing with management. Enquiry Officer was not impartial, enquiry is vitiated. He also submits that showcause notice was not issued to him. Opportunity to personal hearing was not given to him. Enquiry was conducted illegally. On such ground, workman prays for his reinstatement with back wages.

8. IInd party filed Written Statement at Page 3/1 to 3/10. The material contentions of workman w.r.t. charges are denied. That claim of workman for reinstatement cannot be allowed. It is submitted that workman was working as clerk at Jabalpur branch. He committed certain misconduct. The details of charges against workman are given. Charges under clause 19.5 (c), (d) & (j) were of serious nature. The punishment of dismissal without notice is provided. Other charges relates to minor penalty. Details are shown in para-4. IInd party submits DE was conducted against workman. He was allowed reasonable opportunity for his defence. Principles of natural justice were followed. Enquiry Officer considering evidence and arguments on both sides submitted his report on 26.09.95. The dismissal authority considering serious charges proved against workman imposed punishment of dismissal. The appeal preferred by workman was dismissed as per order dated 09.05.97. The findings of Enquiry Officer were confirmed. The allegations of workman about Enquiry Officer acted as prosecutor. The findings of Enquiry Officer are preverse are denied. It is denied that workman was suspended without assigning reasons. It is denied that punishment of dismissal is disproportionate to the charges against workman.

9. IInd party further submits that workman acted negligently and failed to take proper care for keeping pay order books in custody. One of pay order lost pay orders from the book bearing No. 0738253 was used by unknown stranger to defraud the Bank. The said pay order dated 25.02.89 was issued in favour of M/s. Ecotex India for Rs. 34,200/- was presented at Gwalior branch for payment through clearing by Indian Overseas bank. Said branch did not make payment to M/s. Ecotex India Ltd. It is further submitted that workman handed over charge of dispatch desk to one Ramdeo Saydiwal, the balance was Rs. 481.70 but the actual stamp found the handed over by workman were Rs. 255.45 thus there was shortage of Rs. 226.25 while working on dispatch desk, no expenses were made during temporary period of his working. That in staff Account No. 133, balance amount was Rs. 5.86. amount was inflated by Rs. 1100/- while carrying of new ledger. Workman withdrawn said balance with fraudulent motive. IInd party reiterates that all charges against workman are proved from evidence in Enquiry proceedings. Findings of Enquiry Officer are supported by evidence. The same are not perverse. Workman was in habit of attending duties under inference. His drunkenness was cause for his negligence in work. The reputation of Bank is spoiled from such acts. The punishment of dismissal is proper. On such ground, IInd party prays for rejection of claim.

10. As per order dated 22-06-09, enquiry conducted against workman is found legal and valid. Considering pleadings on record and findings on enquiry, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- | | | |
|-------|---|------------------------------------|
| (i) | Whether the charge alleged against workman are proved from evidence in Enquiry proceedings? | In Affirmative |
| (ii) | whether punishment of dismissal imposed on workman is proper and legal? | In Affirmative |
| (iii) | if not, what relief the workman is entitled to? | Workman is entitled to any relief. |

REASONS

11. As per order dated 24.06.09, enquiry conducted against workman is found legal and proper. The question remains for adjudication whether from evidence in Enquiry Proceedings, charges against workman are proved or findings of Enquiry Officer are preverse. The next question remains to be decided whether punishment of dismissal imposed against workman is proper and legal.

12. Learned counsel for workman Shri A.K. Shashi during course of argument submitted chargesheet issued to workman was amended twice. The order on preliminary

issue holding enquiry valid was challenged in W.P. No. 11516/09 allowing liberty to workman to assail the order on preliminary issue alongwith findings on other issues. Said Writ petition was disposed. It is clear from the judgement that Hon'ble High Court has not set aside order on preliminary issue therefore I find it would not be wise of my part to deal with the finding on preliminary issue. Learned counsel for workman Shri A.K. Shashi pointed out my attention to charges against workman related to loss of pay order, shortage of stamps from his custody, taking wrong entries, false accounting, unauthorized absence, attending office in drunkenness condition on duty. It was emphasized that even the petty misconducts were included in chargesheet which was issued in the year 1991. The management had waived its right to issue chargesheet. However any provision was not brought to my notice that chargesheeted to the delinquent employee should be issued within particular period. Learned counsel further submits that the findings of Enquiry Officer are perverse. The evidence of witnesses was not recorded in presence of chargesheeted employee. So far as argument related to perversity of findings, there was no dispute that evidence of 13 witnesses of management was recorded in Enquiry Proceedings. The evidence of witnesses covered each of the charges. Management's witness Shri L.G. Hardikar confirmed complaint given by him. He admitted his signature and documents. The complaint is dated 07.08.89 addressed to Branch Manager. The chargesheeted employee was the receiving cashier on the day of incident. During course of argument, learned counsel of both parties did not deal with the details of the evidence of management's witnesses. Management's witness D.N. Vase was working in Jabalpur branch in January 1986 as cashier. Workman was receiving cash on 23rd and 24th June 89. The evidence of said witness is devoted about genuineness of the documents which were verified. Document ME-2 witness admitting his signature on said document. He has signed against the remark while taking cash by Mr. Sinha on 24-06-89. 99 notes of 100 Rs. was found in the packet, 1 note of Rs. 100 was less. The envelope was on 23.06.89. His evidence on the point is not shattered in his cross examination. His evidence in corss-examination shows the recording was not written in his presence. However as per pleading in statement of claim, workman himself has pleaded that one 100 Rs. note was found less in envelope when he was working as cashier. In that context, the evidence of management's witness cannot be disbelieved. Management's witness Shri A.K. Bapat in his evidence says about missing pay order book while workman was working. Workman himself has stated that he has complained about it to the Branch Manager. The fact remains that pay order book was lose while workman was incharge. Whether the pay order was kept in key and lock and workman is not responsible for loss of pay order book, the contentions of workman cannot be accepted and the pay order book is document and one of cheque is tried to be misused at Gwalior.

13. Management's witness MW-4 Prashant Sonwanshi was working in December 1992 as cashier and teller. In his evidence he says on 7-7-89, CSE was receiving cashier. Letter ME-11 was issued. Said document is admitted by Defence Representative and marked Exhibit 11. Management's witness admits its contents while Rakesh Gupta was receiving cash he observed that cash was not proper and he was unable to tally cash received from him. In his cross-examination said witness of management says that it depend on working habit of individual whether he should put date of receipt or not. Management's witness No. 5 Ramdeo Saidiwal in his evidence says about documents page 176 to 180 written in handwriting of CSE Rakesh Gupta. Those documents were admitted in evidence and marked Exhibit M-16. In his further evidence he says that stamps worth Rs. 105.40 were used and stamps worth Rs. 255.45 were handed over to him. The evidence of management's witness on the point of workman had inflated amount while preparing new ledger. Workman was coming late and leaving office early. Found him on drunkenness condition is supported by management witness. The evidence of management's witness is not required to be appreciated as Appellate authority. The legal position is rather settled that in domestic enquiry, the burden of proof is not required as in criminal case. The findings of enquiry Officer w.r.t. all charges are supported by evidence.

14. Shri A.K. Shashi argued that findings of Enquiry Officer does not show evidence was read over. Zerox copy of enquiry proceeding is produced shows signatures of Enquiry Officer, Presenting Officer, Defence representative, Chargesheeted Employee on enquiry proceedings. Therefore I do not find substance in above argument. Besides above point relates to fairness of enquiry. It is also submitted that DE papers are not exhibited and therefore cannot be considered in evidence. The management's witness A.K. Hasari has referred enquiry record in his affidavit of evidence. He was cross-examined in detail by counsel for workman without raising any objection. Therefore above submissions cannot be accepted. It is further submitted that documents about medical examination are not produced. The document Exhibit ME-104 is medical certificate. The workman was found under intoxication consuming alcohol. It is submitted that for withdrawal of Rs. 100/- passing officer is responsible. The workman written new ledger inflating amount and withdrawn it. Certainly workman is also responsible for it. Arguments on above point cannot be accepted.

15. The arguments advanced by learned counsel for workman that showcause notice was not issued to workman before imposing punishment, personal hearing was not given to him cannot be re-appreciated as finding on preliminary issue is not set-aside by Hon'ble High Court. Rather liberty is given to challenge finding on preliminary issue alongwith other issues in the matter. The fact that pay orders were missing was not in dispute during course of argument. The mistakes committed while taking entries in account was also not disputed. Learned counsel for

workman emphasized that no loss was caused to the Bank. Amount found short was already recovered from the workman. The charge about amount of Rs. 50/- was found less by receiving amount from customer is also supported by evidence. W.r.t. charge that workman as found in drunken condition on duty, learned counsel for workman Shri A.K. Shashi submits that workman was not examined by Medical officer and therefore the charge could not be proved. The burden of proof in criminal case and in domestic enquiry is different. When management's witness working alongwith workman says that workman was attending duties under intoxication, he was misbehaving with the Manager, The details are given in the evidence. Learned counsel for IInd party Shri Shoti supported the findings of Enquiry Officer and punishment of dismissal of workman. It was submitted that workman was attending duty under intoxication, he was misbehaving with Manager. Such persons could not be taken in service. The evidence of management's witness is supported by documents. The management has examined 13 witnesses to prove the charges against workman and also documentary evidence. The Enquiry Officer had discussed entire evidence. I donot find substance in the argument that the finding of Enquiry Officer are not supported by evidence.

16. Learned counsel for workman Shri A.K. Shashi relies on ratio held in case of State Uttaranchal and others versus Kharak Singh reported in 2008(2) Supreme Court Cases (L&S) 698. Their lordship dealing with natural justice, the departmental enquiry held, enquiry should not be empty formality. The witness should not be the enquiry officer. Departmental evidence should be led in the first instance and in presence of charged employee.

The ratio cannot be applied to present case as finding of preliminary issue is not set-aside by Hon'ble High Court.

Next reliance is placed in ratio held in case of Indu Bhushan Dwivedi and State of Jharkhand and another reported in 2010-SCLJ-416. Their Lordship of the Apex court dealing with principles of natural justice held no one can be condemned unheard. Order cannot be passed by a public authority without affording him reasonable opportunity to defend himself.

As the order on preliminary issue is not set aside by Hon'ble High Court, the ratio cannot be applied to present case. Rather the facts of present case are not comparable to the case at hand.

For reasons discussed above, I record my finding in Point No. 1 in Affirmative.

17. Point No. 2.—In view of my finding in Point No. 1, charges against workman are proved from evidence in Enquiry proceedings, question arises about quantum of punishment imposed on workman. Learned counsel for Ist party workman Shri A.K. Shashi submits that the charge cover from 1986 to 1991. Any loss was not suffered by bank, the charges were not of serious nature to warrant punishment of dismissal. That the workman was young at

the time of alleged incident and he should be branded as criminal for such instance. Learned counsel for IInd party Shri Shrotri submits that proved charges against workman relates to taking wrong entries while preparing ledger, inflicted amount was immediately withdrawn by workman shown his motive. Workman was attending duty in drunkenness condition, he was misbehaving with his superiors. The proved charges relates to loss of pay order, taking wrong entries in account books, remaining unauthorisely absent, leaving office early, attending officer late. Punishment of dismissal for such proved charges is proper. Learned counsel for workman Shri A.K. Shashi in support of his argument relied on ratio held in

Case of Commissioner of Police and other versus Sandeep Kumar reported in 2011(4) SCC 644. Their Lordship dealing with service law, right to appoint, condonation of minor indiscretions of youth held young people after committed in indiscretions and approach should be to condone such indiscretions rather than branding them as criminals for rest of their lives. The facts of case before their Lordship show that Sandeep Kumar applied for post of head constable in 1999. In the applications form it was printed about arrest, prosecution etc. was answered in negative. However it was found that Sandeep Kumar was arrested for offence under Section 325/34 of IPC which was compromised on 18-01-98. The respondent and his family member were acquitted.

The facts of present case are not comparable. Workman was working as relieving cashier. The proved charges are that pay orders were lost during his duty period. Submitting immediately report to the Branch Manager doesnot relieve him from his responsibility. The negligence shown in duty by workman resulting loss of pay order is certainly of serious nature. Proved charges against workman shows that while he preparing new ledger, amount was inflicted immediately he withdrawn amount of Rs. 1100/- show his malafide. The stamps were found short while he was dealing with the work. Workman was attending duties in drunkenness condition. Multiple charge of serious nature against workman are supported by evidence of management witness.

18. Learned counsel for workman Shri A.K. Shashi support of his argument relies on

Unreported judgement in Writ petition No. 3224 of 2004 in case of Shri Premnath Singh versus WCL by High Court of Bombay, Nagpur Bench. In para-5 their Lordship observed it is necessary to know that the petitioner was charged for dispatching 53,690 metric tones of coal in excess, it was found by the enquiry officer that only 2.85 metric tones of coal was issued in excess. It is however necessary to note that no reasons are recorded by the enquiry officer for arriving at this finding. The enquiry report also doesnot state that the petitioner had intentionally or willfully neglected his work. The acts of misconduct allegedly committed by the petitioner fell under clause 26.2 and 26.5 of Standing Orders.

The facts of present case are not comparable as discussed above as all six charges against workman are supported by evidence of management's witnesses. The facts are not comparable. Therefore the judgment relied by learned counsel for workman cannot be beneficially relied in present case.

19. Considering the facts, the charges proved against workman are of serious nature, the amount inflicted in account of Chargesheeted employee was immediately withdrawn by him, pay orders were lost the accounts were not properly maintained. Workman was coming to duty under intoxication. the dismissal of workman cannot be said improper. For above reasons, I record my finding in Point No. 2.

20. In the result, award is passed at under:—

- (1) The action of the Management of Bank of Maharashtra, Jabalpur in terminating the services of Shri R.K. Gupta, clerk cum Cashier from 19.02.96 is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू टी आईएम सी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ सं. 57/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/70/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. II, Mumbai as shown in the Annexure, in the industrial dispute between the management of M/s. UTI AMC Ltd. and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/70/2006-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/57 of 2006

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF U.T.I. AMC LTD.**

The Chairman
M/s. UTI AMC Ltd.
Bandra Kurla Complex, Bandra
Mumbai 400 008.

AND

THEIR WORKMEN

Shri Ajay Yashwant Ramraje
Kamal D-5, 2nd floor
BARC Quarters
Mandala Trombay
Mumbai.

APPEARANCES:

FOR THE EMPLOYER : Ms. Nandini Menon, Advocate.

FOR THE WORKMEN : Mr. M.B. Anchan, Advocate.

Mumbai, dated the 14th August, 2014.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-12012/70/2006-IR (B-II), dated 30.10.2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the demand of Shri Ajay Y. Ramraje to allow him to withdraw his application for voluntary Separation Scheme introduced by the UTI AMC Pvt. Ltd., during the year 2003 is justified? If so, what relief the workman is entitled to?"

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, the second party workman filed his statement of claim at Ex-6. According to the workman he was permanent employee of the first party since the year 1994. On 30/08/2003 the first party management had issued a circular on the subject of Voluntary Separation Scheme- "B" which provided an exit option to the employees of the first party. In response thereto the second party signed the printed application dt. 3/10/2003 for voluntary separation Scheme- "B". The second party had requested the first party to relieve him on or before 31/10/2003. According to him he realized the evil consequences of his option for voluntary retirement. Therefore he immediately approached the officers of the first party and requested them to allow him to withdraw his application for voluntary separation. The first party allowed the second party workman to continue in their service without any formal communication to that effect. However by office order dated 10/05/2004, the first party informed him that they have decided to relieve him under voluntary separation scheme 'A' from the services of the first party w.e.f. 11/06/2004 AOH. According to the second party workman V.S. Scheme 'A' as referred in the said office order was not at all applicable to the second party

and the said office order has no consequence in respect of the second party and the said order was liable to be ignored. The second party has sent a letter dt. 2/6/2004 addressed to the Chairman of the first party requesting him to allow the second party to withdraw his VSS-B application dt. 3/10/2003. However the first party did not give any response to his request and they did not allow him to work after 11/06/2004.

3. The second party says that he is 37 years of age and passed the maximum age even for the backward class employee to get new employment in any organization. He has his old mother and two unmarried sisters and two minor children and wife depending on him. He had submitted the VSS application without seriously thinking about the same and under fear created by the vicious circle around him. He had never applied for VSS- 'A'. On the other hand his application was for VSS-B. He has sought to withdraw the said application. However the first party has illegally not considered his application for withdrawal and did not allow him to continue in the service. Therefore the second party has raised the industrial dispute. As conciliation failed, on the report of ALC (C), the Ministry of Labour & Employment sent the reference to this Tribunal. The second party therefore prays for declaration that second party workman was well within his right to withdraw his resignation by his letter dt 2/6/2004 before the effective date of retirement i.e. 11/6/2004. He also prays that he be allowed to continue his service ignoring the letter dt. 10/5/2004. The second party also prays to direct the first party to reinstate the second party in service w.e.f 12/6/2004 with full back-wages, continuity in services with all consequential benefits, cost and compensation.

4. The first party Management resisted the statement of claim vide its written statement at Ex-14. According to them, by their circular dated 30/08/2003 they have introduced the voluntary separation scheme-B (VSS-B) for the Class III and Class IV employees who have not completed 10 years' service or 40 years of age. As per clause six of the said scheme an employee can apply for VSS-A or VSS-B during the period the schemes were open. Once applied for, the employee has no right under any circumstances to withdraw his application. The workman has submitted his application under VSS-B Scheme on 3/10/2003 and he was therefore bound by terms and conditions set in the said scheme. His application for VSS was accepted by the management. Thereafter workman cannot withdraw the same. The workman had verbally requested the management to consider his application while accepting the same under VSS-A due to the tax relief available under the said scheme and requested that he should be relieved only in June 2004 so that he would complete 10 years' service and would be eligible to get pension. The management has accepted the verbal request of the workman taking into consideration the financial implications and benefits which the workman was to get. The workman and two other employees were informed by the office order

No. 254/2003-2004 dt.29/10/2003 that their application for voluntary separation were accepted and that their dates of relieving would be communicated later. They were specifically informed that their schemes were accepted under VSS-A. By the order no.39/2004-2005 dated 10/05/2004 it was communicated to the workman that he will be relieved from the service of the company w.e.f. 11/06/2004 AOH. The workman for the reasons best known to him wrote a letter dt. 2/6/2004 to the Chairman of the first party requesting withdrawal of VSS application and seeking sympathetic consideration for the same. As under the scheme there was no provision for withdrawal and in the case of workman his request for VSS was already accepted and date of relieving was also fixed, therefore, his request was not accepted. The workman has completed, signed and submitted his application dt.18/6/2004 for release of his provident fund dues as well as his application for inclusion of himself and his family members for group medi-claim policy for hospitalization. The workman wrote another letter dt.20/7/2004 to the Chairman seeking sympathetic consideration for withdrawal of his VSS application on the same grounds. However for the same reasons it could not be allowed. The workman canvassed his case with a letter dt. 2/8/2004 addressed through a trade union. The management has forwarded to the workman his pension book vide their letter dt. 31/8/2004. The workman is receiving his pension regularly till the date. It shows that the workman received benefits under the scheme. Now he is estopped from challenging the acceptance of his application for VSS. The dispute raised by the workman does not fall in the category of Industrial dispute. The workman is not entitled to be reinstated. He is not entitled to any back wages. He is also not entitled to any relief sought for. Therefore the first party prays that the reference be dismissed with cost.

5. The second party filed his rejoinder at Ex-16. He denied the contents in the written statement and reiterated the contents in the statement of claim.

6. Following are the preliminary issues for my determination. I record my findings thereon for the reasons to follow:

Sr.No.	Issues	Findings
1.	Whether the action of the first party not allowing to withdraw the VSS application of the workman is just, legal and proper?	Yes.
2.	Whether the workman is entitled to be reinstated in service with full back wages as prayed for?	No.
3.	What order?	As per order below.

REASONS**Issues Nos. 1 & 2:-**

7. In the case at hand the facts are not disputed that in response to the VSS scheme the second party workman had applied on 3/10/2003 for Voluntary Separation and requested the management to relieve him on or before 31/10/2003. The fact is also not disputed that the application of the workman was accepted by the first party and on 10/05/2004 he was informed that he would be relieved on 11/06/2004 AOH. The fact is also not disputed that the workman by his letter dt. 2/6/2004 requested the Chairman of the first party that he would like to withdraw his VSS application and his request be considered sympathetically. In this respect according to the workman he has withdrawn his application before the due date of 11/06/2004 when he was to be relieved. Therefore it was submitted on behalf of the workman that the management ought to have allowed the workman to withdraw his application for VSS. In support of his argument the Id. adv. for the second party resorted to Apex Court ruling in *State Bank of Patiala V/s. Phoolpati* 2005 (4) SLR 133 (SC) wherein the Hon'ble Apex Court in para 7 of the judgement observed that;

"It is a settled position in law that unless the employee is relieved from the duty after acceptance of the order of voluntary retirement or resignation, jural relationship of the employee and the employer does not come to an end."

8. In the case at hand the point for determination is not whether there exists jural relationship between the employer and employee even after acceptance of his application for VSS. The main question for determination is whether the workman can be allowed to withdraw his application or willingness to opt for VSS. Therefore the ratio laid down in this ruling is not attracted to the case at hand.

9. In this respect the Id. adv. for the second party also referred another Apex Court ruling in *Shambhu Murari Sinha V/s. Project and Development India Ltd. & Anr* 2002 II LLJ 430 (SC). In that case the workman had given application for voluntary retirement. Acceptance thereof was conditional. Later on workman had withdrawn the option for voluntary retirement sent before he was released from service. In this case the Hon'ble Apex Court held that the appellants' letters withdrawing his voluntary retirement were valid as they were sent before the jural relationship of employer and employee had come to an end, as the acceptance of his application for such retirement was a conditional one.

10. In that case the application for voluntary retirement was accepted conditionally. In such circumstances Hon'ble Court held that till the date of relieving the workman from service, he was entitled to withdraw his application for voluntary retirement and jural relationship continued till that date. In the case at hand the

application for VSS was already accepted by the first party. It was not conditional acceptance as in the case cited herein above. Therefore the ratio laid down therein also does not attract to the case in hand.

11. The Id. adv. for the second party placed much reliance on the judgement of *Atulkumar Jain V/s UTI AMC (P) Ltd. and Ors* decided on 31/03/2009 in WP (C)no. 8778/2004 wherein Hon'ble Delhi High Court has allowed the petition of the workman and he was allowed to withdraw his application for VSS. The Id. adv. for the second party argued that the facts of this case are similar to the case at hand. In this respect I would like to point out that the facts of the above cited case are altogether different. In that case the workman therein had applied for VSS. However his application was not accepted by the management on the ground that some disciplinary proceedings were pending against him. Thereafter the workman had withdrawn his offer for voluntary separation. In the circumstances Hon'ble Court held that, the workman therein was entitled to withdraw his option. The point in that case was also agitated as to whether clause in the said scheme not allowing the workman to withdraw the option is unconstitutional. The Hon'ble Court held that, such clause is violative of fundamental right and would not bind the workman from exercising his right to withdraw his option of VSS. The workman therein was thus held entitled to withdraw his option as it was not accepted by the management. The facts of this case are also quite different. Therefore ratio laid down in that case is not attracted to the set of facts in the case at hand.

12. The Id. adv. for the second party also referred another Apex Court ruling in *Bank of India & Ors. V/s. O.P. Swarnakar* 2003 I LLJ 819 (SC). In this case the Hon'ble Court in respect of irrevocable voluntary retirement scheme has observed that ;

"Employee has every right to withdraw his application for voluntary retirement."

In this case the Hon'ble Court found that the management of the Bank has every right to accept or reject the application for voluntary retirement and the employee was not given option to withdraw his option for voluntary retirement which cannot be allowed. This judgement is not on the point as to whether after acceptance of the option of voluntary retirement whether employee can withdraw his option. Therefore this ruling is also not helpful to the second party workman.

13. The Id. adv. for the second party referred another Apex Court ruling in *Srivastava J.N. V/s. Union of India & Anr* Civil Appeal nos. 6573-6574 /1997 decided on 22/9/1997. In this case the employee had submitted voluntary retirement notice of three months on 3/10/1989. It was to come into effect on 31/01/1990. The proposal was accepted by employer in November 1989. Subsequently in December 1989 employee had withdrawn the notice of voluntary retirement. Employer refused to act on the withdrawal. The Administrative Tribunal held

that voluntary retirement was operative notwithstanding withdrawal of notice since employee handed over charge on 31st January 1990. In that case Hon'ble Apex Court set aside the order of the Tribunal and employer was directed to pay full back wages from the date of withdrawal of notice of voluntary retirement till the date of superannuation subject to adjust pension and other terminal benefits already paid to employee. It was a case of notice for voluntary retirement and Hon'ble Court held that before expiry of the due date the employee was well entitled to withdraw the notice. The facts of this case are different from the case at hand as in the case at hand the workman sought for withdrawal of VSS scheme after his application for the same was accepted and date of relieving was also communicated to the workman.

14. The Id. adv. for the second party also cited the Apex Court ruling in *Power Finance Corporation Ltd. V/s. Pramod Kumar Bhatia* 1997 I CLR 1111 (SC) wherein the employee had applied under Voluntary Retirement Scheme for the employees. The management accepted his application subject to clearance of outstanding dues. The workman wrote a letter requesting to deduct the amount of outstanding dues and to relieve him. Meantime the voluntary retirement scheme was withdrawn. In that case the Hon'ble Court held that as the acceptance of voluntary retirement was subject to condition, the workman has right to withdraw his application for the voluntary retirement. In the case at hand the acceptance of the voluntary separation scheme was not accepted conditionally. It was already accepted and due date of his retirement was also communicated to the employee. Therefore the ratio laid down in the above referred case is not applicable to the case at hand.

15. In this respect the Id. adv. for the second party further submitted that the workman had applied for voluntary separation scheme -B whereas Management has granted him Voluntary Separation under Scheme 'A' which was not sought for. In this respect it is submitted by the first party that under Voluntary Separation Scheme "A", the employee was entitled for more benefit and pension was prescribed for the employees who had completed 10 years of service. The employee herein had applied under scheme 'B' as he had not completed either 10 years' service, or 40 years of age and had requested to relieve him on or before 31/10/2003. According to the first party, the second party was completing 10 years' service in June 2004 and he had requested the first party to relieve him in June 2004. Accordingly his VSS was accepted under Scheme 'A' which was beneficial to the employee and till the date of acceptance was communicated to the second party, he had not withdrawn his option. Therefore once the offer of employee is accepted and the same is communicated to the employee, he cannot withdraw the same. This submission and argument of the first party appears quite probable and acceptable as since October 2003 the second party has not written any letter to the first party till 02/06/2004 in respect of his withdrawal.

16. According to the Id. adv. for the first party submission of application for VSS by the workman was a proposal under Contract Act. The same could have been withdrawn before the acceptance and not thereafter. He further submitted that once the workman has accepted the retirement benefit he is estopped from withdrawing his option for VSS. The Id. adv. pointed out that all the retirement benefits were already paid to the workman. He is also getting pension. Thus now he cannot be allowed to withdraw his option for VSS. In support of his argument Id. adv. resorted to Apex Court ruling in *Bank of India & Ors V/s. O.P. Swarnakar & Ors.* referred supra. In para 75 of the judgement the Hon'ble Court observed that;

"Once application filed by the employee is held to be an 'offer', Section 5 in absence of any other independent binding contract or Statute or Statutory Rule to the contrary would come into play."

It shows that the workman had sent the offer to the management. Management had accepted the same and the acceptance was communicated to the workman by their letter dt.10/05/2004 informing that they have decided to retire him from service under VSS-'A' w.e.f. 11/6/2004. It means that after communication of acceptance, the second party workman has no right to withdraw his option till his relieving date though till that day workman remains the employee of the first party.

17. In para 115 of the judgement the Hon'ble Court further observed that;

"The scheme is contractual in nature. The contractual right derived by the employees concerned, therefore, could be waived. The employees concerned having accepted a part of the benefit could not be permitted to approbate and reprobate nor can they be permitted to resile from their earlier stand."

18. The Ld. Adv. for the first party further submitted that after communication of acceptance of VSS to the workman, though workman was to be relieved on later date, he cannot withdraw his option. In support of this argument Id. adv. resorted to Apex Court ruling in *Vice Chairman and Managing Director APSIDC Ltd. & Anr V/s. R. Venkataprasad and Ors* (2003) 11 SCC 572. In this case the employee had given option for retirement under VRS Scheme. The same was accepted by the employer. But in terms of VRS the workman was retained in service even after the cut-off date till the receipt of funds from Government for payment of amount due under VRS. During intervening period the appellants had applied for withdrawal of their option for voluntary retirement. As per interim order of Hon'ble High Court, they were continued in service. Ultimately High Court also directed the employer to retain the workmen in service till superannuation. When the matter was taken up before Apex Court, the Hon'ble Court observed that;

"Withdrawal of option for VRS after the same was accepted is impermissible."

19. The Ld. Adv on the point also cited another Apex Court ruling in State Bank of Patiala V/s. Ramesh Chandra Kanoji & Ors. (2004) 2 SCC 651 wherein the Hon'ble Court held that, offer may be withdrawn at any time before it is accepted and not thereafter.

20. In the light of these rulings I am of the opinion that after acceptance of VSS Scheme the employee was not entitled to withdraw the same. He was well entitled to withdraw the option before 10/05/2004 i.e. before the date of acceptance and not thereafter. Therefore I hold that the action of the management is quite just and proper. Accordingly I decide this issue no.1 in the affirmative. Consequently I also hold that the workman is not entitled to the relief of reinstatement and back wages. Thus I decide this issue no. 2 in the negative and proceed to pass the following order:

ORDER

Reference stands dismissed with no order as to cost.

Date: 14/08/2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अरिकसन और रिचर्ड्स मुंबई, अरिकसन और रिचर्ड (सर्वेक्षक) प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुंबई के पंचाट (संदर्भ सं. 27/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-31011/3/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. 2. Mumbai as shown in the Annexure, in the industrial dispute between the management of 1. M/s. Ericson & Richards, Mumbai 2. M/s. Ericson & Richards (Surveyor) Pvt. Ltd. and their workmen, received by the Central Government on 02/12/2014.

[No. L-31011/3/2011- IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/27 of 2012

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

(1) M/S. ERICSON & RICHARDS, MUMBAI

(2) M/S. ERICSON & RICHARD (SURVEYOR)
PVT. LTD., MUMBAI

1. The Chief Executive Officer
M/s. Ericson & Richards
Kamani Chambers
32, R. Kamani Marg
Ballard Estate, Mumbai 400 001.
2. The Director
M/s. Ericson & Richard (Surveyor) Pvt. Ltd.
Kamani Chambers
32, R. Kamani Marg
Ballard Estate, Mumbai 400 001.

AND

THEIR WORKMEN.

The Secretary
Maharashtra Navnirman Kamgar Sena
Arjun Khotha Vaid, Ground floor
BMC Parking Plaza Building
Dadar (W)
Mumbai 400 028.

APPEARANCES:

FOR THE EMPLOYER : No appearance

FOR THE WORKMEN : No appearance

Mumbai, the 21st October, 2014

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-31011/3/2011-IR (B-II), dated 15.05.2012 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Ericson & Richards, Mumbai and M/s. Ericson & Richard (Surveyor) Pvt. Ltd., Mumbai in terminating the services of 21 workmen (as per Exhibit-I) by way of retrenchment and terminating the services of 12 workmen (as per Exhibit-II) by way of removal of their names from Muster Roll is legal, just and proper? What relief the concerned workmen are entitled to ?"

ANNEXURE -I

1. Omprakash Pisat
2. Pankaj A. Shinde
3. Gopalkrishnan Nair

4. Sanjay Amberkar
5. Atmaram S. Gaikwad
6. S.G. Harijan
7. Vijay Parab
8. Ashok Kumar Dhobi
9. Narendra Naturam Lokande
10. Keshkumar Yadav
11. Ajit Dayanad Dalvi
12. Dipika Digamber Munj
13. Sanjay Kumar Oza
14. Amit Madhukar Revdekar
15. Ramesh G. Gadege
16. Ramesh R. Chauhan
17. Pravin B. Jadhav
18. Rajan M. Jadhav
19. Rajesh P. Barai
20. Rajendra S. Posam
21. Nandakumar Talekar

ANNEXURE-II

1. Pandharinath G. Hase
2. P. Mahalingum
3. Altaf Ansari
4. Paris M. Kothare
5. Naresh P. Pednekar
6. Girish B. Prabhakar
7. Rajan C. Keer
8. Kiran Ganapat Padwal
9. R. G. Singh
10. Alam Ansari
11. Nasim Farooqui
12. M.A. Raja

2. After receipt of the reference from Ministry of Labour & Employment, both parties were served with notice. The matter was adjourned on number of occasions as both parties remained absent. The second party union has neither approached this Tribunal nor filed statement of claim. Since there is no statement of claim on record, therefore, this reference cannot be decided on merits and the same deserves to be dismissed for want of prosecution. Thus I proceed to pass the following order:

ORDER

Reference stands dismissed for want of prosecution.

Date: 21.10.2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2014

का.आ. 3176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (28/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/12/2014 को प्राप्त हुआ था।

[सं. एल-12012/04/2010-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2014

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 02/12/2014.

[No. L-12012/04/2010- IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

PRESENT : Sri Kewal Krishan, Presiding Officer

CASE NO. I.D. No. 28/2009

Registered on 8.3.2010

Sh. Joginder Singh, C/o Sh. O. P. Indal, General Secretary, North India SC/ST Bank's Employees Federation, H. No. 3086/2, Sector 44D, Chandigarh

.....Petitioner

Versus

The General Manager, Syndicate Bank, Sector 17, Chandigarh

.....Respondents

Appearances:

For the Workman : Sh. Raj Kaushik Adv.

For the Management : Ex-Parte

AWARD

Passed on 15.10.2014

Central Government vide Notification No. L-12012/04/2010-IR(B-II) Dated 18.2.2010, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Syndicate Bank in terminating the services of Sh. Joginder Singh w.e.f. 28.2.2008 is legal and justified? What relief the workman concerned is entitled to?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was engaged by the respondent management on temporary basis on 21.8.2006 as a General Attendant where he worked continuously till 28.2.2008. His services were terminated on 1.3.2008 without paying him retrenchment compensation and without serving any notice. Since the termination of his services is in violation of Section 25F of the Act, he be reinstated in service.

Management was proceeded against ex parte vide order dated 7.9.2010. Thereafter an application was moved to file written statement but the written statement filed along with the application was not signed by any person.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the stand taken by him in the statement of claim.

I have heard Sh. Raj Kaushik, counsel for the workman.

The workman has specifically pleaded that he worked with the respondent management on temporary basis from 21.8.2006 to 28.2.2008 and these assertions were supported by him while appearing in the witness box. The respondent management did not contest the claim of the workman despite appearing through authorized representatives and was later on proceeded against ex parte, as state above. Since the management did not contest the claim of the workman despite having notice of the proceedings, it is reasonable to presume that the management itself admit his claim.

Thus relying on the testimony of the workman along with the fact that the management did not contest the claim, it stands proved on the file that the workman continuously worked with the respondent management from 21.8.2006 to 28.2.2008 on temporary basis.

It is categorically stated by the workman that he was not paid any retrenchment compensation. Thus the termination of the services of the workman are in violation of Section 25F of the Act which inter alia provides that the workman cannot be retrenched unless served with one month's notice in writing or paid compensation in lieu of such notice etc. Since the workman was not paid any retrenchment compensation, therefore, termination of his services are illegal.

There is nothing on the file to suggest that workman was appointed as per Rules and Regulations on the respondent management and it is the case of the workman himself that he was appointed on temporary basis. Since his appointment was not as per Rules and Regulations, his

reinstatement cannot be ordered which will tantamount to backdoor entry into the service. In the circumstances, he is to be paid compensation by the termination of his services illegally. He has not mentioned the pay he was withdrawing.

Thus compensation is to be given only by doing the guess work. Considering the circumstances it is to be held that he is entitled to Rs.1,00,000/- by way of compensation from the management.

In result, it is held that the action of the management in terminating the services of the workman is not legal and justified and workman is entitled to Rs.1,00,000/- by way of compensation from the management. The management shall pay the amount within three months from the publication of the award failing which the workman shall get interest at the rate of 6 per cent per annum from the date of the passing of the award till realisation. The reference is accordingly answered. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2014

का.आ. 3177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष एवं प्रबंध निदेशक, स्कूटर्स इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय लखनऊ के पंचाट (संदर्भ सं. 07/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/12/2010-आईआर (डीयू)]

पी. के वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 4th December, 2014

S.O. 3177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 07/2010) of the Cent. Government Industrial Tribunal-Cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chairman & Managing Director, Scooters India Limited and their workmen, which was received by the Central Government on 03/12/2014.

[No. L-42012/12/2010- IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW**

PRESENT : Shri RAKESH KUMAR, Presiding Officer

I. D. No. 07/2010

Ref. No. L-42012/12/2010- IR (DU) dated : 15.04.2010

BETWEEN

Sh. Surendra Pratap Singh, S/o Sh. Jay Mangal Singh
House No. L-121, Sector-E, LDA Colony, Kanpur Road
Lucknow

AND

The Chairman and Managing Director
Scooter India Limited, Sarojini Nagar, Lucknow-226 008

AWARD

1. By order No. L-42012/12/2010-IR(DU) dated: 15.04.2010 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Surendra Pratap Singh, S/o Shri Jay Mangal Singh, House No. -121, Sector -E, LDA Colony, Kanpur Road, Lucknow and the Chairman and Managing Director, Scooters India Limited, Sarojini Nagar, Lucknow to this CGIT-cum-Labour Court, Lucknow for adjudication.

2. The reference under adjudication is:

"WHETHER THE ACTION OF MANAGEMENT OF SCOOTERS INDIA LIMITED IN REMOVING THE NAME OF SHRI SURENDRA PRATAP SINGH FROM THE ROLLS OF THE COMPANY W.E.F. 11/09/1990 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?"

3. It is admitted case of the parties that the workman has been engaged as an unskilled worker with the management of Scooters' India Limited, hereinafter referred to as Company, on 22.05.1974 and he proceeded on LTC for Ahmedabad on 14.06.1990. On coming back to the Headquarters, the workman was to join his duties on 30.06.1990; but he failed to do so; and accordingly, letter dated 21.08.1990 was issued to the workman, requiring him to join the duties within three days, failing which his name was liable to be struck down from the rolls of the Company. The workman failed to join the duties within specified time; resultantly, his name was struck down from the rolls of the company as per provisions contained in Section 9.3.12 of the Certified Standing Orders; and the workman was intimated accordingly vide letter dated 11.09.1990.

4. The workman in his statement of claim has submitted that during his return journey while on LTC he fell sick and could not join duties as per the advice of the doctors at All India Institute of Medical Sciences, Delhi; accordingly he requested the employers for sanction of medical leave. It is also alleged that the management struck down his name from its rolls w.e.f. 11.09.1990, soon after issuance of letter dated 21.08.1990; without conducting any formal inquiry and giving him an opportunity of defence; which was violative of the principles of natural justice. Accordingly, the workman has prayed that the termination order dated 11.09.1990 be declared illegal and

unjustified and he be re-instated with consequential benefits including full back wages.

5. The management has contended the submissions of the workman, made in the statement of claim, with a mention that the workman has raised present industrial dispute at a belated stage hence not admissible. Apart from this the management has submitted that the workman was in habit of taking leaves without prior approval of the Competent Authority. The management has given a detail of unauthorized leaves availed by the workman and summary of actions taken by the management against the workman during his services tenure with the opposite party. The management has alleged that the workman neither reported on duty after returning back from LTC nor sent any information or application for grant of leave; accordingly, he was issued a letter dated 21.8.1990 asking him to join the duties within 3 days, failing which his name was liable to be struck down from the rolls of the Company. Since the workman did not respond to the letter dated 21.8.1990 nor did he come to join the duties; accordingly, his name was struck off from the rolls of the company due to his unauthorized absence w.e.f. 11.9.1990. Accordingly, the management has prayed that the claim of the workman be rejected being devoid of any merit.

6. The workman has filed its rejoinder wherein apart from reiterating facts already mentioned in the statement claim has submitted that he has been involved in litigation since the termination of his services and delay caused in the matter is just due to not approaching right forum as the workman firstly, approached UP Industrial Tribunal and thereafter at their direction approached the appropriate court after long delay, which was beyond control of the workman.

7. The workman has filed photocopy of the following documentary evidence in support of his claim:

- (i) Letter dated 21.08.1990 of the Scooter's India Ltd.
- (ii) Letter dated 26.10.1993 of PA, Minister of State Industrial Development.
- (iii) Letter dated 11.9.1990 of Scooter's India Ltd. Terminating services of workman.
- (iv) Application for conciliation.
- (v) Order dated 22.2.2008 of Industrial Tribunal (UP), Lucknow.

In rebuttal, the management has filed photocopy of following documents:

- (i) Joining letter dated 23.5.1974.
- (ii) Attestation Form.
- (iii) Charge-sheet dated 01.03.1982.
- (iv) Charge-sheet dated 19.07.1982.
- (v) A letter No. SIL:PER:Est:01264 dated 12.08.1982.

- (vi) A letter No. SIL:PER:Est:01264 dated 20.09.1982.
- (vii) A letter No. SIL:PER:Est:01264 dated 29.09.1982.
- (viii) A letter No. SIL:PER:IR:83:01264 dated 16.02.1983.
- (ix) A letter No. SIL:PER:Est:01264 dated 16.02.1983.
- (x) Charge-Sheet dated 28.04.1984.
- (xi) Charge - Sheet dated 02.07.1990.
- (xii) Attendance Record dated 21.08.1990.
- (xiii) LTC leave from 11.06.1990 - 23.06.1990.
- (xiv) Termination letter No. SIL:PER:Est: 01264 dated 11.09.1990.

The workman has examined himself whereas the management examined Shri A.K. Chatterjee, Manager (HR) in support of their case. The parties availed opportunity to cross-examine the each other's witnesses apart from putting oral arguments as well as written arguments.

8. Heard the authorized representatives of the parties at length and perused the evidence on record.

9. The authorized representative of the workman has contended that the workman who proceeded on LTC with due permission of the employers could not join duties due to his illness. But the management removed his name from rolls of the Company without issuing any show-cause notice or holding any formal inquiry against him, which amounts to violation of principles of natural justice. The authorized representative of the workman has also contended that the workman is working in the Company since 1974 and has completed more than 240 days in with the management in the year preceding his date of termination i.e. 11.9.90; but the management has terminated his services without complying with the provisions of Section 25 F of the Industrial Disputes Act, 1947 as it has not given any notice or notice pay in lieu of notice period nor has paid any retrenchment compassion. The workman has relied on:

- (i) Delhi Cloth and General Mills Ltd. Vs. Shambhu Nah Mukarjee 1981 SCC (L&S) 595.
- (ii) D.K. Yadav vs M/s J.M. A. Industries Ltd. 1993 (67) SC 111.
- (iii) H.D. Singh vs. Reserve Bank of India & others 1985 SCC (L&S) 975.
- (iv) M/s Scooters India Ltd. Vs M. Mahammad Yaqub & Another, Civil Appeal No. 1471 of 1999, decided on 21.11.2000 Supreme Court.
- (v) Anil Kumar Singh vs. Presiding Officer, Industrial Tribunal II U.P., Lucknow & Another, Writ Petition No. 4161 of 1988(S/S), High Court, Allahabad, Lucknow Bench, Lucknow.

10. Per contra, the authorized representative of the management has argued that workman was on LTC from

1.6.90 to 23.6.90 but he remained absent from duties up to 28.7.90 without any intimation to the employers. It is also submitted that the so called illness is not supported by any documentary evidence or other cogent evidence; and he over stayed the expended period, which resulted into issuance of letter dated 21.8.90 to the workman; whereby he was advised to join the duties within three days, failing which his name was liable to be removed from rolls of the company. It is contended by the management that the workman remained idle even after receipt of letter dated 21.8.90 and neither joined his duties nor moved any application for leave; and resultantly, his name was removed from the rolls of Company in compliance of the provisions of 9.3.12 of the Certified Standing Orders of the Company vide order dated 11.09.90. It is also argued by the management that the workman was removed from services in wake of clause 9.3.12 of the Standing Orders which provides that the services of any workman who remains absent from duty without leave in excess of the period of leave originally sanctioned or subsequently extended for more than 10 consecutive days, he shall be deemed to have left the services of the Company on his own accords, without notice, thereby terminating his contract with the Company and his name will, accordingly, be struck off the rolls; accordingly, the name of the workman was struck off from rolls for the reasons he did not turn up to the duty for more than 10 days; hence, his termination does not come within the purview of retrenchment. The management has relied on following case laws:

- (i) The Buckingham and Carnatic Co. Ltd. Vs. Venkatiah & Antr. 1964 AIR 1272 SC.
- (ii) Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association AIR 2000 SC 2198.
- (iii) Vijay S. Sathaye Vs. Indian Airlines Limited (2013) 10 SCC 253.
- (iv) Davalsab Husainsab Mulla vs. North West Karnataka Road Transport Corporation 2014 (140) FLR 756.

11. I have given my thoughtful consideration to the rival submissions of the learned authorized representatives of the parties and scanned entire evidence on record in light thereto.

12. The workman has come up with a case that he has been appointed with the opposite party on 22.05.1974 and working as Artisan Grade 'D'. The workman proceeded on LTC on 14.06.1990 and was expected to reach the headquarters on 30.6.1990; but could not join the duty due to his ailment and meanwhile he received a letter dated 21.08.1990 from the management whereby he was asked to join the duties within three days of receipt of letter, failing which his name shall be removed from rolls; and when the workman failed to join the duties within the specified time his name was struck off from the rolls of the Company vide order dated 11.09.1990. The workman has alleged that the action of the management was violative of the principles of

natural justice; whereby the management was duty bound to conduct a formal inquiry against him before terminating his services. Furthermore, it is also the case of workman that since he has worked for more than 240 days in a year preceding the date of termination therefore, the termination of his services vide impugned order dated 11.9.90 amounts to retrenchment and the management was ought to have complied with the provisions of Section 25 F of the Act before removing him from the services.

13. The management of the Scooters' India Limited, rebutting the claim of the workman has come up with a clear cut case that the workman had been habitual absentee, who remained absent on various occasions previously without any sufficient cause and had been punished with various penalties in the past too. This time the workman over stayed the LTC leave and did not respond in spite of written notice dated 21.08.1990; whereby he was asked to join the duty within three days from the receipt of letter, failing which his name was liable to be removed from the rolls of the company. Since the workman neither turned up nor requested for extension of leave, his name was struck off from the rolls in compliance of provision 9.3.12 of the Standing Orders.

14. The workman in his cross-examination has stated that he proceeded on LTC on 14.6.90 and fell ill during the course of his LTC. He also stated that he got treated at AIIMS for 7-15 days. He admitted at page 3 that he has not filed any evidence regarding treatment at AIIMS. He also stated that thereafter he went to his village for treatment and he informed the Company of his illness through a letter, which could not be received at the Company. He also admitted that after 1990 he is gainfully employed. The workman admitted of having been given warning, penalties for unauthorized absence earlier; but denied of being in the habit of habitual absence.

On the contrary, the management witness, Shri A.K. Chatterjee, Manager (HR) has stated that the workman's name was struck off from rolls due to his unauthorized absence and the workman was not issued any charge sheet for unauthorized absence. He also stated that the workman did not give any information regarding his illness and also that the workman was given notice to join but he did not join.

15. The workman has filed photocopy of the numerous documents in support of his contention, less any documentary proof in support of his pleading that during the course of his LTC he fell ill and he was under treatment at AIIMS and other places; resulting into his non-joining the duties. The workman also could not show any evidence that he ever requested the management to grant him medical leave or any application stating his position as to why he was not joining his duties. On the contrary, the management of the Scooters' India has come with the solitary contention that the workman was habitual absentee and he remained absent after end of LTC leave; and when he did not turn up for joining his duties even

after issuance of letter 21.08.1990, his services were terminated in wake of clause 9.3.12 of the Certified Standing Orders of the Company.

The workman has relied on M/s Scooters India Ltd. Vs. M. Mohammad Yaqb & Anr., Civil Appeal No. 1471 of 1999; wherein Hon'ble Apex Court has rejected the appeal on the ground that the employee who was removed from services of the appellants consequent to his failure in joining the duties, even after personal advice of the Chief Personnel Officer of the Company, in view of Standing Order 9.3.12., was not given any opportunity of defence. In the very case, Hon'ble Apex Court observed that Standing Order 9.3.12 could not have been used for terminating his services.

In rebuttal, the management has relied on Syndicate Bank Vs. Gen. Secretary, Syndicate Bank Staff Association AIR 2000 SC 2198; wherein a case where the employee abstained himself from work for a period of 90 or more consecutive days even after sending show cause notice to the delinquent, the Bank deemed the workman as voluntarily retired from the services of the Bank by virtue of Clause 16 of the Bipartite Settlement treated the delinquent as having voluntarily abandoned his services. Hon'ble Apex Court has observed as under:

"17. Bank has followed the requirements of Clause 16 of the Bipartite Settlement. It rightly held that Dayananda has voluntarily retired from the service of the Bank. Under these circumstances it was not necessary for the Bank to hold any inquiry before passing the order. An inquiry would have been necessary if Dayananda has submitted his explanation which was not acceptable to the Bank or contended that he did report for duty but was not allowed to join by the Bank. Nothing of the like has happened here. Assuming for a moment that inquiry was necessitated, evidence led before the Tribunal clearly showed that notice was given to Dayananda and it is he who willfully defaulted and offered no explanation of his absence from duty and did not report for duty within 30 days of the notice as required in Clause 16 of the Bipartite Settlement."

Also, Hon'ble Supreme Court in Vijay S. Sathaye vs. Indian Airlines Limited and others (2013) 10 SCC 253 has held that absence from duty in beginning may be misconduct, but when such absence is for long period, it may amount to voluntary abandonment of service resulting in termination of services automatically without necessitating any further order from employer. It has observed as under:

"12. It is a settled law that an employee cannot be termed as a slave, he has a right to abandon the service any time voluntarily by submitting his resignation and alternatively, not joining he duty and remaining absent for long. Absence from duty in the beginning may be a misconduct but when absence is for a very long period, it may amount to voluntary

abandonment of service and in that eventuality, the bonds of service come to an end automatically without requiring any order to be passed by the employer.

14. For the purpose of termination, there has to be positive action on the part of the employer while abandonment of service is a consequence of unilateral action on behalf of the employee and the employer has no role in it. Such an act cannot be termed as "retrenchment" from service."

16. In the instant case, admittedly who was on regular rolls of the management of Scooters' India Limited preceded on LTC but did not join his duties long after the date when he was expected to join. The management of the Company sent a letter dated 21.8.1990 to the workman at his three addresses one at New Delhi, the other one at his village at Faizabad; and another at his local address, which was in form of notice to the workman, asking him to join the duties within three days from receipt of latter, failing his name was going to be struck off from the rolls of the Company. The workman has claimed that he did not receive the above letter. Even then being an employee the workman was duty bound to inform the employers about his illness, due to which he was not in position to join the duties. During cross-examination, at page 3, he stated that he had undergone treatment at AIIMS for 7-15 days but did not file any documentary evidence before this Tribunal in that regard. The only contention from the side of the workman is that he had not been given any notice or any formal inquiry has been initiated against him; wherein he might have been given an opportunity to explain his position. But from the evidence on record, it is sufficient to arrive at the conclusion that the workman, if he was ill then he should have given any documentary proof in support thereof. Secondly, what prevented him from informing the employers of the same? Had he been given an opportunity for explanation before an inquiry then what would have been his explanation as he failed to bring anything on record before this Tribunal. Since the workman did not turn up at

all after issuance of letter dated 21.08.90, there was no option for the management to struck off his name from the rolls as his unexplained long absence has amounted to voluntary abandonment of the service and in that event the bonds of services came to an end automatically without requiring any order to be passed by the employer; as it is evident from the principle propounded by Hon'ble Supreme Court in *Vijay S. Sathaye Vs. Indian Airlines Ltd.* (Supra).

17. The workman has also contended that while terminating his services the management did not comply with the provisions of Section 25 F of the Industrial Disputes Act, 1947. The management has emphasized that the termination of the workman was not retrenchment as it was abandonment on the part of the workman. In this regard it may be kept in mind that to construed 'termination' there should be some action by the management against the workman, but in the present case, the workman has himself abandoned the services (as inferred from his conduct) which was a unilateral action on his behalf wherein the management had no role; hence, the same could not be termed as 'retrenchment' of service.

18. Thus, from the facts and circumstances of the case and law cited hereinabove after minute cogent analysis of the evidence available on record; I am of considered opinion that the action of the management of Scooters India Limited in removing the name of workman from the rolls of the company w.e.f. 11.09.1990 is neither illegal nor unjustified. Accordingly, I come to the conclusion that the workman, Shri Surendera Pratap Singh is not entitled to any relief.

19. The reference under adjudication is answered accordingly.

20. Award as above.

LUCKNOW

21st November, 2014.

RAKESH KUMAR, Presiding Officer